OBSERVATIONS

CONCERNING THE

DISTINCTION OF RANKS

IN

SOCIETY.

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PREFACE.

THOSE who have examined the manners and cuſtoms of nations have had chiefly two objects in view. By obſerving the ſyſtems of law eſtabliſhed in different parts of the world, and by remarking the conſequences with which they are attended, men have endeavoured to reap advantage from the experience of others, and to make a ſelection of thoſe inſtitutions and modes of government which appear moſt worthy of being adopted.

To inveſtigate the cauſes of different uſages, hath alſo been eſteemed an uſeful as well as an entertaining ſpeculation. When we contemplate the amazing diverſity in the manners of different countries, and even of the ſame country at different periods; when we ſurvey the diſtinctions of national characters, and the ſingular cuſtoms that have prevailed; we are led

to diſcover the various diſpoſitions and ſentiments with which man is endowed, the various powers and faculties which he is capable of exerting. When at the ſame time we conſider how much the character of individuals is influenced by their education, their profeſſions, and their peculiar circumſtances, we are enabled, in ſome meaſure, to account for the behaviour of different nations. From the ſituation of a people in different ages and countries, they are preſented with particular views of expediency; they form peculiar maxims, and are induced to cultivate and acquire a variety of talents and habits. Man is every where the ſame; and we muſt neceſſarily conclude, that the untutored Indian and the civilized European have acted upon the ſame principles.

THUS, by real experiments, not by abſtracted metaphyſical theories, human nature is unfolded; the general laws of our conſtitution are laid open; and hiſtory is rendered ſubſervient to moral philoſophy and juriſprudence. The manners and cuſ-

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toms of a people may be regarded as the moſt authentic record of their opinions, concerning what is right or wrong, what is praiſe-worthy or blameable, what is expedient or hurtful. In peruſing ſuch records, however, the utmoſt caution is neceſſary; and we muſt carefully attend to the circumſtances in which they were framed, in order to aſcertain the evidence which they afford, or to diſcern the concluſions that may be drawn from them. As the regulations of every country may have their peculiar advantages, ſo they are commonly tinctured with all the prejudices and erroneous judgments of the inhabitants. It is therefore by a compariſon only of the ideas and the practice of different nations, that we can arrive at the knowledge of thoſe rules of conduct, which, independent of all poſitive inſtitutions, are conſiſtent with propriety, and agreeable to the ſenſe of juſtice.

When theſe enquiries are properly conducted, they have likewiſe a tendency to reſtrain that wanton ſpirit of innovation

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which men are too apt to indulge in their political reaſonings. To know the laws already eſtabliſhed, to diſcern the cauſes from which they have ariſen, and the means by which they were introduced; this preliminary ſtep is eſſentially requiſite, in order to determine upon what occaſions they ought to be altered or aboliſhed. The inſtitutions of a country, how imperfect ſoever and defective they may ſeem, are commonly ſuited to the ſtate of the people by whom they have been embraced; and therefore, in moſt caſes, they are only ſuſceptible of thoſe gentle improvements, which proceed from a gradual reformation of the manners, and are accompanied with a correſpondent change in the condition of ſociety. In every ſyſtem of law or government, the different parts have an intimate connection with each other. As it is dangerous to tamper with the machine, unleſs we are previouſly acquainted with the ſeveral wheels and ſprings of which it is compoſed; ſo there is reaſon to fear, that the violent alteration of any ſingle part may deſtroy the regularity of its movements,

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and produce the utmoſt diſorder and confuſion.

THE following obſervations are intended to illuſtrate the natural hiſtory of mankind in ſeveral important articles. This is attempted, by pointing out the more obvious and common improvements in the ſtate of ſociety, and by ſhowing the influence of theſe upon the manners, the laws, and the government of a people.

IN the firſt chapter the author has conſidered the ideas entertained in different ages, with reſpect to the rank and condition of the two ſexes. From theſe, the chief regulations concerning marriage, and the rights of the huſband and wife, are evidently derived.

HE has endeavoured, firſt of all, to ſhow the effects of poverty and barbariſm, with regard to the paſſions of ſex, with regard to the general occupations of a people, and with regard to the degree of conſideration which is paid to the women as members of ſociety.

He has next proceeded to take notice of the refinements in the ſtate of our paſſions, ariſing from the acquiſition of wealth; firſt in moveables, by the invention of paſturing cattle; and afterward in land, by the application of mankind to the cultivation of the earth.

In the third place, he has examined the alterations produced, in the condition of the fair ſex, by the improvement of the more neceſſary arts and manufactures, and by the influence of civilization and regular government.

Lastly, he has attempted to delineate the changes, in this reſpect, introduced by the cultivation of the elegant arts, and by the progreſs of a people in opulence and luxury.

After the rights of the huſband and wife, thoſe that ſubſiſt between parents and their children come next to be examined. In the ſecond chapter, ſome obſervations

are made, concerning the authority which, in the rudeſt periods, a father is accuſtomed to exerciſe over his children. The limitations, upon this branch of juriſdiction, ariſing from the improvements of a later age, are afterwards conſidered.

HAVING reviewed the primitive government of a family, the author has proceeded, in the third chapter, to enquire into the ſtate of a tribe or village, compoſed of ſeveral families; to point out the origin of a chief, who is raiſed to the head of their ſociety; and the various branches of authority aſſumed by this early magiſtrate, according to the different ſpecies of property which the people have had an opportunity of acquiring.

BY the union of ſeveral tribes, a larger ſociety is formed, requiring a greater variety of regulations, for ſecuring the rights of individuals, and for maintaining the public tranquillity. This makes the ſubject of the fourth chapter; which may be divided into two parts:

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THE firſt relates to the political conſtitution, derived from a ſimple confederacy among theſe independent communities. As in the different governments, produced by an aſſociation of this ſort, we every where obſerve a great degree of uniformity; we may alſo diſcover certain peculiar circumſtances, by which the conſtitution of ſome ſtates is particularly diſtinguiſhed. One of the moſt remarkable of theſe is the eſtabliſhment of the feudal law; which makes ſo great a figure in the hiſtory of Europe, and has been the ſubject of ſo much inveſtigation and controverſy. Concerning the origin of the feudal inſtitutions, and concerning the time and manner in which they were introduced, the author has ventured to deliver an opinion, which has the appearance of reconciling the different facts, collected by antiquaries and lawyers in ſupport of their various and oppoſite conjectures.

THE ſecond part of that chapter contains remarks upon the alterations in the police and government of a country, ariſing from the

the progreſs of its inhabitants, in manufactures and commerce, and in that refinement of manners which is the natural conſequence of affluence and ſecurity.

THE conſideration of the diſtinctions of rank, among the free inhabitants of a country, is followed by an enquiry into the ſtate of perſons of inferior condition, who, in order to procure ſubſiſtence, are obliged to labour in the ſervice of others, and who form the great body of the people. In proſecuting this enquiry, the author has firſt conſidered the ſtate of ſervants, in the primitive ages of the world. He has next attempted to point out thoſe variations in their condition, which have proceeded from the uſual improvements of ſociety, in law and government; and laſtly, to give an account of that ſingular revolution, by which the laws of Europe are, in this reſpect, ſo eminently diſtinguiſhed.

UPON the whole it has been the author's deſign to explain the cauſes of various manners and cuſtoms, rather than to enter into any

any formal diſcuſſion concerning the political advantages or diſadvantages of which they have been productive; and it appeared unneceſſary to give a ſeparate detail of the laws of any one country, or to take notice of particular inſtitutions, further than as they contributed to ſhow the natural progreſs of human ſociety.

With regard to the facts made uſe of in the following diſcourſe, the reader, who is converſant in hiſtory, will readily perceive the difficulty of obtaining proper materials for ſpeculations of this nature. Hiſtorians of reputation have commonly overlooked the tranſactions of early ages, as not deſerving to be remembered; and even in the hiſtory of later and more cultivated periods, they have been more ſolicitous to give an exact account of battles, and public negociations, than of the interior police and government of a country. Our information, therefore, with regard to the ſtate of mankind in the more uncivilized parts of the world, is chiefly derived from the relations of travellers, whoſe character

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and ſituation in life neither ſet them above the ſuſpicion of being eaſily deceived, nor of endeavouring to miſrepreſent the facts which they have related. From the number, however, and the variety of thoſe relations, they acquire, in many caſes, a degree of authority, upon which we may depend with ſecurity, and to which the narration of any ſingle perſon, how reſpectable ſoever, can have no pretenſion. When illiterate men, ignorant of the writings of each other, and who, unleſs upon religious ſubjects, had no ſpeculative ſyſtems to warp their opinions, have, in diſtant ages and countries, deſcribed the manners of people in ſimilar circumſtances, the reader has an opportunity of comparing their ſeveral deſcriptions, and from their agreement or diſagreement is enabled to aſcertain the credit that is due to them. According to this method of judging, which throws the veracity of the relater very much out of the queſtion, we may be convinced of the truth of extraordinary facts, as well as of thoſe that are more agreeable to our own experience. It may even be remarked, that

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in proportion to the ſingularity of any event, it is the more improbable that different perſons, who deſign to impoſe upon the world, but who have no concert with each other, ſhould agree in relating it. When to all this, we are able to add the reaſons of thoſe particular cuſtoms which have been uniformly reported, the evidence becomes as complete as the nature of the thing will admit. We cannot refuſe our aſſent to ſuch evidence, without falling into a degree of ſcepticiſm, by which the credibility of all hiſtorical teſtimony would be in a great meaſure deſtroyed. This obſervation, it is hoped, will ſerve as an apology for the multiplicity of facts that are ſometimes ſtated in confirmation of the following obſervations. At the ſame time, from an apprehenſion of being tedious, the author has, on other occaſions, ſelected only a few, from a greater number, to the ſame purpoſe, that might eaſily have been procured.

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OBSERVATIONS

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CHAP. I.

Of the rank and condition of women in different ages.

OF all our paſſions, it would ſeem, that thoſe which unite the ſexes are moſt eaſily affected by the peculiar circumſtances in which we are placed, and moſt liable to be influenced by the power of habit and education. Upon this account they exhibit the moſt wonderful variety of appearances; and have produced the greateſt diverſity of manners and cuſtoms, in different ages and countries.

Among early and rude nations, we can expect but little improvement, with regard to theſe paſſions. A ſavage who earns his food by hunting and fiſhing, or by gathering the ſpontaneous fruits of the earth, is incapable of attaining any conſiderable refinement in his pleaſures. He finds ſo much difficulty and is expoſed to ſo many hardſhips, in procuring the mere neceſſaries, that he has no leiſure or encouragement to aim at the luxuries and conveniencies of life. His wants are few, and in proportion to the narrowneſs of his circumſtances. His great object is to be able to ſatisfy his hunger; and, after the utmoſt exertions of labour and activity, to enjoy the agreeable relief of idleneſs and repoſe. He has no time to employ in cultivating a correſpondence with the other ſex, or in attending to thoſe enjoyments which reſult from it; and his deſires being neither cheriſhed by affluence, nor inflamed by indulgence, are allowed to remain in that moderate ſtate which renders them barely ſufficient to anſwer the purpoſes of nature, in the continuation of the ſpecies.

The facility with which he may commonly gratify thoſe appetites is another circumſtance by which his ſituation is peculiarly diſtinguiſhed. In the

the moſt rude and barbarous ages there are no differences of rank, which can interrupt the free intercourſe of the ſexes. There are no diſtinctions among individuals, but thoſe which ariſe from their age and experience, from their ſtrength, courage, and other perſonal accompliſhments. As the members of different families are all nearly upon a level, ſo they uſually live and converſe together with the moſt perfect freedom, and give way to their mutual deſires without the leaſt heſitation or reluctance. They are unacquainted with thoſe refinements which create a ſtrong preference of particular objects; and with thoſe artificial rules of decency and decorum which might lay a reſtraint upon their conduct.

It cannot be ſuppoſed therefore that the paſſions of ſex will ever ariſe to any conſiderable height in the breaſt of a ſavage. He muſt have little regard for pleaſures which he can purchaſe at ſo eaſy a rate. He meets with no difficulties or diſappointments to enhance the value of his enjoyment, or to rouſe and animate him in the purſuit of it. He arrives at the end of his wiſhes, before they have ſufficiently occupied his thoughts, or engaged him in thoſe delightful anticipations

of happineſs which the imagination is apt to diſplay in the moſt flattering colours. He is a ſtranger to thoſe eager hopes, thoſe anxious fears, which agitate the mind of the lover; and which, by the conflict they produce, have a tendency to enliven his feelings, and to increaſe the force of his prevailing inclinations.

This obſervation is agreeable to the hiſtory of ſavages in all different parts of the world; and is farther confirmed by thoſe veſtiges of antient manners which are often diſcovered among nations conſiderably advanced in civilization and refinement *.

* "Sera juvenum Venus," ſays Tacitus of the Germans, "eoque inexhauſta pubertas, nec virgines feſtinantur. Ergo "ſepta pudicitia agunt, nullis ſpectaculorum illecebris, nullis "conviviorum irritationibus corruptæ." Tacit. de mor. Germ. § 19, 20.

The ſame circumſtance is mentioned by Cæſar concerning the character of the antient Gauls. "Qui diutiſſimè impu-"beres permanſerunt, maximam inter ſuos ferunt laudem: "hoc ali ſtaturam, ali hoc vires, nervoſque confirmari putant. "Intra annum vero viceſimum feminæ notitiam habuiſſe, in "turpiſſimis habent rebus." Cæſ. de bell. Gall. lib. 6. § 21.

It is true, that ſome ſort of marriage, or permanent union between perſons of different ſexes, has been commonly eſtabliſhed, even in the early periods of ſociety. But when we examine the nature of this primitive alliance, it appears to have been derived from motives, almoſt entirely independent of thoſe paſſions which we are at preſent conſidering. When a child has been produced, from the accidental correſpondence of his parents, it is to be expected that, from the influence of natural affection, they will be excited, in ordinary caſes, to aſſiſt one another in making ſome proviſion for his maintenance. For this purpoſe they are led to take up their reſidence together, that they may act in concert with each other, and unite their labour and induſtry in the preſervation and care of their offspring. The long culture which is neceſſary in rearing the human ſpecies will probably afford to the parents another pledge of their commerce, before they are at liberty to abandon the former; and their attention being gradually extended from one object to another, their union is thereby continued while the mother is capable of child-bearing. Even after this period, they will naturally be diſpoſed to remain in a ſociety to which they have been ſo long accuſtomed: more eſpecially as by living

at the head of a numerous family they enjoy a degree of eaſe, reſpect, and ſecurity, of which they would otherwiſe be deprived, and have reaſon, in their old age, to expect the aſſiſtance and protection of their poſterity, under all thoſe diſeaſes and infirmities by which they are rendered incapable of providing for themſelves *.

Theſe were in all probability the firſt inducements to marriage among the rude and barbarous inhabitants of the earth. As it appears to have taken its origin from the accidental and unforeſeen exertions of parental affection, we may ſuppoſe that it would at firſt be commenced without any previous contract between the parties, concerning the terms or duration of their correſpondence. Thus, among the Romans, it would ſeem that the moſt antient marriage was that which is ſaid to have been formed merely *by uſe*; that is, where the parties, without any previous

* It ſeems unneceſſary to obſerve, that what is here ſaid with regard to marriage, together with many other remarks which follow concerning the manners of early nations, can only be applied to thoſe people who had loſt all knowledge of the original inſtitutions, which, as the ſacred ſcriptures inform us, were communicated to mankind by an extraordinary revelation from heaven.

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bargain, had conſtantly lived together for the ſpace of a year; a period, which, in the ordinary courſe of things, was ſufficient to involve them in the care of a family †.

Time and experience gradually improved this connection; and diſcovered the many advantages of which it is productive. The conſideration of thoſe advantages, together with the influence of faſhion and example, contributed to promote its univerſal eſtabliſhment. The anxiety of parties, or of their relations, to avoid thoſe diſputes and inconveniencies with which it was frequently attended, made them endeavour, by an expreſs ſtipulation, to ſettle the conditions of their union; and produced a ſolemn and formal celebration of marriage. The utility of this contract, as it makes a regular proviſion for multiplying the inhabitants of a country, gave riſe to a variety of public regulations for promoting the inſtitution in general; for directing its particular forms; and for diſcouraging the vague and irregular commerce of the ſexes.

The marriages, however, of rude people, according to all accounts, are uſually contracted

† Cicero pro Flacco. Heinec. antiq. Rom.

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without any previous attachment between the parties, and, with little regard to the gratification of their mutual paſſions. A ſavage is ſeldom or never determined to marry from the particular inclinations of ſex; but commonly enters into that connection when he arrives at an age, and finds himſelf in circumſtances, which render the acquiſition of a family expedient or neceſſary, in order to his comfortable ſubſiſtence. He diſcovers no preference of any particular woman; but leaves it to his parents or other relations to make choice of a perſon whom it is thought proper that he ſhould marry. He is not even at the trouble of paying her a viſit; but allows them to begin and finiſh the bargain, without concerning himſelf at all in the matter. If his propoſals are rejected, he hears it without the leaſt diſturbance; or if he meets with a favourable reception, he is equally unmoved, and the marriage is completed, on both ſides, with the moſt perfect indifference.

* Lafitau, mœurs des ſauvages Ameriquains. 4to. Tom. 1. p. 564. Hiſtoire generale des voyages. Tom. 4. liv. 7. cap. 13. § 1. Ibid. Tom. 6. liv. 14. cap. 3. § 4. Ibid. Tom. 6. liv. 14. cap. 3. § 4.

From the extreme inſenſibility which is ſo obſervable in the character of all ſavage nations, it is no wonder they ſhould entertain the groſſeſt ideas concerning thoſe female virtues which in a poliſhed nation are ſuppoſed to conſtitute the honour and dignity of the ſex.

The Indians of America account it no ſtain upon a woman's character, that ſhe has violated the laws of chaſtity before marriage: nay, if we can give credit to travellers who have viſited that country, a treſpaſs of this kind is a circumſtance by which

The learned Father Lafitau takes notice of a particular cuſtom, among the ſavages of America, which ſhews the indifference with which their marriages are uſually contracted, and marks in the ſtrongeſt manner the inattention of that people to the gratification of their paſſions. " Il eſt de l'ancien uſage, parmi la " plûpart des nations ſauvages, de paſſer la premiere année, " après le mariage contracté, ſans le conſommer. La propoſiti- " on avant ce tems-là, ſeroit une inſulte faite à l'eſpouſe, qui lui " feroit comprendre, qu'on auroit recherché ſon alliance, moins " par eſtime pour elle, que par brutalité. Et quoique les epoux " paſſent la nuit enſemble, c'eſt ſans préjudice de cet ancien " uſage; les parens de l'epouſe y veillent attentivement de leur " part, et ils ont ſoin d'entretenir un grand feu devant leur nat- " te, qui éclaire continuellement leur conduite, et qui puiſſe " ſervir de garand, qu'il ne ſe paſſe rien contre l'ordre preſcrit." Mœurs des ſauvages Amer. Tom. 1. p. 564.

a woman is recommended to a huſband, who is apt to value her the more, from the conſideration that ſhe has been valued by others; and on the other hand, thinks that he has ſufficient ground for putting her away, when he has reaſon to ſuſpect that ſhe has been overlooked*.

Young women among the Lydians, according to Herodotus, were not permitted to marry, till after they had earned their dowries by proſtitution †.

Among the antient Babylonians, all the people of lower rank are ſaid to have proſtituted their daughters for a living; and it appears that even perſons of ſuperior condition were diſpoſed to regard the virtue of chaſtity as of ſmall importance, ſince they permitted a general regulation, that every woman ſhould, once in her life, ſubmit to a public proſtitution in the temple of Venus ‡. A religious ceremony of a like nature is ſaid to have been obſerved in ſome parts of the iſland of Cyprus §.

* Ulloa's voyage to South America.

† Herodot. lib. 1.

‡ Strabo, lib. 16.—See alſo Herodotus, lib. 1. who deſcribes the form of this wonderful inſtitution with his uſual ſimplicity.

§ Herodot. ibid.

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The infidelity of a married woman is naturally viewed in a different light; and, upon account of the conſequences with which it is attended, is often regarded as an offence which deſerves to be ſeverely puniſhed. To introduce a ſpurious offspring into the family; to form a connection with a ſtranger, by which the wife is diverted from her proper employments and duties, and by which ſhe may be influenced to embezzle the goods committed to her charge; theſe are circumſtances which, even in a rude period, are apt to awaken the jealouſy of the huſband, and to excite his indignation and reſentment. There are nations, however, who have diſregarded even theſe conſiderations, and who have conſidered the ſtrict preſervation of conjugal fidelity as a matter of no conſequence.

Among the antient Maſſagetæ, it was uſual for perſons who reſided in the ſame part of the country to live in common with the wives of each other*. The ſame cuſtom is ſaid, by Diodorus Siculus, to have taken place among the antient Troglodites, and the Icthyophagi, inhabiting the coaſt of the Red Sea †.

* Herodot. ibid. † Diod. Sicul. hiſt. lib. 1.

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An author of much more credit takes notice of this practice among the antient inhabitants of Britain. "Uxores habent deni duo-denique inter ſe "communes, et maxime fratres cum fratribus, pa-"renteſque cum liberis: ſed ſi qui ſunt ex his nati, "eorum habentur liberi, quo primum virgo quæ-"que deducta eſt‡."

The cuſtom of lending a wife to a friend, that he might have children by her, appears to have been univerſal among the antient Greeks and Romans; and, even when theſe nations had become wealthy and civilized, was openly countenanced by perſons of the higheſt rank and character. It was recommended, in a particular manner, to the Spartans, by the celebrated inſtitutions of Lycurgus *.

In the country of Kamtſchatka, there are ſeveral tribes of ſavages, who eſteem it an ordinary mark of politeneſs, when they entertain a friend, to offer him the enjoyment of their wife or their daughter; and whoever refuſes a civility of this kind, to his gueſt, is ſuppoſed to have intended an affront; and his behaviour is reſented accordingly.

‡ Cæſar. de bell. Gall. lib. 5. § 14.

* Vide Lucan. Pharſalia.—Plutarch. in vita Lycurg.

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In Louiſiana, upon the coaſt of Guiney, in ſeveral parts of the Eaſt Indies, in Pegu, Siam, Cochinchina, and Cambodia, the inhabitants are, in like manner, accuſtomed, for a ſmall preſent, to make an offer of their women to all ſtrangers who have occaſion to viſit the country †.

The little attention which is paid by ſuch people to the female point of honour, together with that conſtitutional ſobriety which at the ſame time they are apt to acquire from their manner of life, is productive of the utmoſt ſimplicity in the behaviour of the two ſexes. Conſcious of no exceſs, in regard to that inſtinct which nature hath beſtowed upon them, they have no reaſon to be aſhamed of its ordinary gratifications; and they affect no diſguiſe, as to this particular, either in their words or in their actions. Their extreme innocence prevents them from having recourſe to that veil which modeſty hath introduced among a poliſhed people, in order to conceal from the public eye thoſe inclinations and thoughts which it is reckoned indecent to expreſs.

† Hiſtory of Kamtſchatka.—Nouveaux voyages aux Indes Orientales. tom. 2. p. 17.—Dampier's travels.

" Cujus rei," ſaith Cæſar of the Germans, " nulla eſt occultatio, quod et promiſcuè in flumini- " bus perluuntur, et pellibus, aut parvis renonum " tegumentis utuntur, magna corporis parte " nuda*."

When Columbus diſcovered the new world, he found that the male part of the inhabitants made uſe of a garment; but the women, who might be ſuppoſed to poſſeſs a greater ſhare of delicacy and reſerve, had not the leaſt covering †. The manners of rude nations are uniformly diſtinguiſhed by this plainneſs and freedom, which runs through the whole of their intercourſe, and is uſually carried to a greater height in proportion as they are farther removed from luxury and intemperance ‡.

In the Odyſſey, when Telemachus arrives at Pylos, he is ſtripped naked, bathed, and anointed by the king's daughter.

" While theſe officious tend the rites divine,
" The laſt fair branch of the Neſtorian line,

* Cæſar. de bell. Gall. lib. 6. § 21. † Columbus's voyages.

‡ See the account which is given by Kolben of the manners of the Hottentots.—Of the inhabitants of Pegu. Mod. Univer. Hiſt. vol. 7.—Of the antient Maſſagetæ. Herodot. lib. 1.

" Sweet

" Sweet Polycaſte, took the pleaſing toil
" To bathe the prince and pour the fragrant oil.
" O'er his fair limbs a flowery veſt ſhe threw,
" And iſſued like a god, to mortal view *."

A remarkable inſtance of this kind occurs in the behaviour of Ruth, to Boaz her kinſman.

" And when Boaz had eaten and drunk, and his
" heart was merry, he went to lie down at the end
" of the heap of corn: and ſhe came ſoftly, and un-
" covered his feet and laid her down.

" And it came to paſs at midnight, that the man
" was afraid, and turned himſelf: and behold a
" woman lay at his feet.

" And he ſaid, Who art thou? And ſhe anſwer-
" ed, I am Ruth thine handmaid: ſpread there-
" fore thy ſkirt over thine handmaid, for thou art a
" near kinſman †."

It cannot be doubted that the influence of ſuch manners is extremely unfavourable to the rank and dignity of the women; who are in a great meaſure deprived of all that conſideration and reſpect which in a refined age they are accuſtomed to derive from

* Pope's tranſlation of the Odyſſey, book 4. l. 58.
† Ruth, chap. iii. ver. 7, 8, 9.

the

the paſſion between the ſexes. Neither is it poſſible for them to procure much eſteem upon account of thoſe talents which they are capable of acquiring, or upon account of their uſefulneſs in thoſe occupations which they have any occaſion to exerciſe.

Among a people who are almoſt continually employed in war or in hunting, and who are unacquainted with arts and manufactures, ſtrength, courage, and military ſkill are looked upon as the only valuable accompliſhments. When they return from an expedition, every man is reſpected in proportion to the actions which he hath performed; and that perſon is moſt diſtinguiſhed at the feaſt who hath moſt ſignalized himſelf in the field. The various incidents of the battle, or of the chaſe, occupy their thoughts, and make the principal ſubject of all their converſation. Thoſe who are old take pleaſure in relating the deeds of former times by which they have been diſtinguiſhed; and they are liſtened to by the young with admiration and reverence. The ſon, when he goes out to battle, is armed with the ſword of his fathers; and when he calls to mind the renown which they have acquired, is excited to a noble emulation of their atchievements. Military glory is, in a word, the ſole object of ambition, and the only ſource of rank and dignity.

The

The inferiority of the women, in this reſpect, may be eaſily imagined. From their ſituation, indeed, they naturally acquire a degree of firmneſs and intrepidity which appears ſurprizing to thoſe who are only acquainted with the manners of poliſhed nations. It is uſual for them to accompany the men in their expeditions either for hunting or for war; and it ſometimes happens that individuals are led, from the general ſpirit of the times, to engage in battle, and even to gain a reputation by their exploits. From particular inſtances of this, exaggerated by the wonder and aſtoniſhment which they produced, have probably ariſen thoſe fictitious accounts of Amazons, in different countries, who are ſaid to have diſtinguiſhed themſelves by their military proweſs. But whatever may have happened in ſome extraordinary caſes, we may venture to conclude that the female character is by no means ſuited to thoſe martial employments; and that, in barbarous as well as refined periods, the women are, for the moſt part, incapable of vying with the other ſex in point of ſtrength and courage. Their attention therefore is generally limited to an humbler province. It falls upon them to manage all the inferior concerns of the houſhold; and to per-

form thoſe domeſtic offices which the ſeveral circumſtances of the family may require: offices which, however uſeful, yet requiring little dexterity or ſkill, and being attended with no exertion of difficult talents, are naturally regarded as mean and ſervile, and unworthy the care and attention of thoſe who ſerve in war, and are reſpected upon account of their military accompliſhments.

From theſe obſervations we may form an idea of the ſtate and condition of the women in early ages. Having little attention paid them, either upon account of thoſe pleaſures to which they are ſubſervient, or of thoſe occupations which they are qualified to exerciſe, they are degraded below the other ſex, and reduced under that authority which the ſtrong acquire over the weak: an authority which, in early periods, being ſubject to no limitation from the government, is exerted with a degree of harſhneſs and ſeverity ſuited to the diſpoſitions of the people.

We accordingly find that, in thoſe periods, the women of a family are uſually treated as the ſer-

* Εν δε τοῖς βαρβάροις τὸ θῆλυ καὶ δοῦλον τὴν αὐτὴν ἔχει τάξιν. Ariſtot. Polit. lib. 1. cap. 2.

ſervants or ſlaves of the men *. Nothing can exceed the dependence and ſubjection in which they are kept, or the toil and drudgery which they are obliged to undergo. They are forced to labour without intermiſſion in digging roots, in drawing water, in carrying wood, in milking the cattle, in dreſſing the victuals, in rearing the children, and in thoſe other kinds of work which their ſituation has taught them to perform. The huſband, when he is not engaged in ſome warlike exerciſe, indulges himſelf in idleneſs; and devolves upon his wife the whole burden of his domeſtic affairs. He diſdains to aſſiſt her in any of theſe ſervile employments; ſhe ſleeps in a different bed; and is ſeldom permitted to have any converſation or correſpondence with him *.

Among the negroes upon the ſlave-coaſt the wife is never allowed to appear before the huſband, or to receive any thing from his hands, without putting herſelf into a kneeling poſture †.

* See Colben's voyage to the Cape of Good Hope.----Hiſtoire generale des voyages, liv. 14. chap. 3. § 4. Ibid. liv. 7. chap. 13. § 1.----Sale's voyage to North America.

† Hiſtoire generale des voyages, tom. 5. liv. 10. chap. 3.

In the empire of Congo, and among the greater part of thoſe nations which inhabit the ſouthern coaſt of Africa, the women of a family are ſeldom permitted to eat along with the men. The huſband ſits alone at table, and the wife commonly ſtands at his back to guard him from the flies, to ſerve him with his victuals, or to furniſh him with his pipe and his tobacco. After he has finiſhed his meal, ſhe is allowed to eat what remains; but without ſitting down, which it ſeems would be inconſiſtent with the inferiority and ſubmiſſion that is thought ſuitable to her ſex*. When a Hottentot and his wife have come into the ſervice of a European, and are entertained under the ſame roof, the maſter is under a neceſſity of aſſigning to each of them a diſtinct portion of victuals; which, out of regard to the general uſage of their country, they always devour at a diſtance from one another †.

In the late account which has been given by Commodore Byron of the Indians of South Ame-

* Hiſtoire generale des voyages, tom. 6. liv. 13. chap. 3. § 2. Ibid. tom. 4. liv. 7. chap. 13. § 1.

† Kolben's voyage to the Cape of Good Hope, chap. 15. § 6.

rica,

rica, we are told, that "the men exerciſe a moſt "deſpotic authority over their wives, whom they "conſider in the ſame view that they do any "other part of their property; and diſpoſe of "them accordingly: even their common treat-"ment of them is cruel; for though the toil "and hazard of procuring food lies entirely "upon the women, yet they are not ſuffered to "touch any part of it till the huſband is ſatisfied; "and then he aſſigns them their portion, which "is generally very ſcanty, and ſuch as he has "not a ſtomach for himſelf." The ſame author informs us, that he has obſerved a like arbitrary behaviour among many other nations of ſavages with whom he has ſince become acquainted *.

From the ſervile condition of the fair ſex, in barbarous countries, they are rendered in a great meaſure incapable of property, and are ſuppoſed to have no ſhare in the eſtate of that particular family in which they reſide. Whatever has been acquired by their labour is under the ſole adminiſtration and diſpoſal of thoſe male relations and friends, by whom they are protected, and from

* Byron's Narrative.

whom

whom they receive a precarious ſubſiſtence. Upon the death of a proprietor, his eſtate is continued in the poſſeſſion of his ſons, or tranſmitted to his other male relations; and his daughters are ſo far from being entitled to a ſhare of the ſucceſſion, that they are even conſidered as a part of the inheritance, which the heir is at liberty to manage according to his pleaſure.

At the Cape of Good Hope, in the kingdom of Benin, and in general upon the whole ſouthern and weſtern coaſt of Africa, no female is ever admitted to the ſucceſſion of any eſtate, either real or perſonal *.

The ſame cuſtom is ſaid to be obſerved among the Tartars; and there is ſome reaſon to believe that it was formerly eſtabliſhed among all the inhabitants of Chaldea and Arabia †

From the famous deciſion of this point related by Moſes it appears, that in his time the ſucceſſion of females had been without a precedent;

* See Kolben's voyage.—Modern Univerſal Hiſtory, vol. 16. Ibid. vol. 17.—Hiſt. gener. des voy. tom. 5, 6.

† Hiſtoire generale des voyages. tom. 9. liv. 4. chap. 2. § 6. p. 318.—Vide Perizon de leg. vocon.

and

and by his appointment they were only permitted to inherit upon a failure of males of the ſame degree.

" Then came the daughters of Zelophehad—
" and they ſtood before Moſes and before Eleazar
" the prieſt, and before the princes, and all the
" congregation, by the door of the tabernacle of
" the congregation, ſaying,

" Our father died in the wilderneſs, and he
" was not in the company of them that gathered
" themſelves together againſt the Lord in the
" company of Korah; but died in his own ſin,
" and had no ſons.

" Why ſhould the name of our father be done
" away from among his family, becauſe he hath
" no ſon? Give unto us therefore a poſſeſſion
" among the brethren of our father.

" And Moſes brought their cauſe before the
" Lord.

" And the Lord ſpake unto Moſes, ſaying,

" The daughters of Zelophehad ſpeak right;
" thou ſhalt ſurely give them a poſſeſſion of an
" in-

" inheritance among their father's brethren, and " thou ſhalt cauſe the inheritance of their father " to paſs unto them.

" And thou ſhalt ſpeak unto the children of " Iſrael, ſaying, If a man die, and have no ſon, " then ye ſhall cauſe his inheritance to paſs unto " his daughter *."

Among all thoſe German nations which over-ran and ſubdued the different provinces of the Roman empire, the ſame notions were entertained concerning the inferiority of the women, and the ſame rules of ſucceſſion were naturally introduced. It is probable that, according to the original cuſtoms which prevailed among all theſe people, daughters, and all other female relations, were entirely excluded from the right of inheritance; but that afterwards, when the increaſe of opulence and luxury had raiſed them to higher conſideration, they were admitted to ſucceed after the males of the ſame degree †.

* Numbers, chap. xxvii. ver. 1, 2, 3, 4, 5, 6, 7, 8.

† Tacit. de mor. German.

In a country where the women are univerſally regarded as the ſlaves of the other ſex, it is natural to expect that they ſhould be bought and ſold, like any other ſpecies of property. To marry a wife is there the ſame thing as to purchaſe a female ſervant, who is, under the huſband, to have the chief direction and ſuperintendence of the family.

Thus among all ſavage nations, whether in Aſia, Africa, or America, the wife is commonly bought by the huſband from her father, or thoſe other relations who have an authority over her; and the concluſion of a bargain for this purpoſe, together with the payment of the price has therefore become the moſt uſual form or ſolemnity in the celebration of their marriages*.

This appears to be the real foundation of what is related by hiſtorians; that in ſome parts of the world it is uſual for the huſband to give a dowry

* This practice obtains in the kingdom of Pegu. See Modern Univer. Hiſt. vol. 7.—In Siberia. See profeſſor Gmelin's travels into Siberia, vol. 1. p. 29.—Among the Tartars. Hiſt. gener. des voy. tom. 9.—Among the negroes on the coaſt of Guiney. Ibid. tom. 5—Among the Arabs. See D'Arvieux trav.

to the wife or her relations, inſtead of the wife bringing along with her a dowry to the huſband.

"Dotem non uxor marito, ſed uxori maritus "offert," is the expreſſion of Tacitus, in deſcribing the manners of the antient German nations *.

When Shechem wanted to marry the daughter of Jacob—"He ſaid unto her father, and unto "her brethren, Let me find grace in your eyes, "and what ye ſhall ſay unto me I will give.

"Aſk me never ſo much dowry and gift, and I "will give according as ye ſhall ſay unto me: but "give me the damſel to wife †."

When David propoſed to marry the daughter of king Saul, he was told, that the king deſired not any other dowry but a hundred foreſkins of the Philiſtines ‡.

Upon the ſame principle, the huſband is generally underſtood to have the power of ſelling his

* Tacit. de mor. German.

† Geneſis, chap. xxxiv. ver. 11, 12.

‡ 1 Samuel, chap. xviii. ver. 25.

wife,

wife, or of putting her away, whenever he thinks proper ‖.

It may however be remarked, that this is a privilege which, from the manners of a rude people, he ſeldom has reaſon to exerciſe. The wife, who is the mother of his children, is generally the moſt proper perſon to be employed in the office of rearing and maintaining them. As ſhe advances in years ſhe is likely to advance in prudence and diſcretion; and the longer ſhe has lived in the family, ſhe is more fit to be truſted with the inſpection and management of all its important concerns. Nothing but ſome extraordinary crime that ſhe has committed will move the huſband to put away ſo uſeful a ſervant, with whom he has long been acquainted, and whoſe labour, attention, and fidelity are commonly of more value than all the money ſhe will bring in a market. Divorces are therefore rarely to be met with in the hiſtory of early nations.

But though the wife is not apt to incur the ſettled diſpleaſure of her huſband, which might lead him to baniſh her from the family, ſhe may often ex-

‖ This is the caſe in the kingdom of Congo. Mod. Univer. Hiſt.—Upon the ſlave coaſt. Hiſt. gener. des voy.

perience

perience the ſudden and fatal effects of his anger and reſentment. When unlimited power is committed to the hands of a ſavage, it cannot fail, upon many occaſions, to be groſsly abuſed. He looks upon her in the ſame light with his other domeſtic ſervants, and expects from her the ſame implicit obedience to his will. The leaſt oppoſition kindles his reſentment; and from the natural ferocity of his temper he is frequently excited to behave with a degree of brutality which, in ſome caſes, may prove the unhappy occaſion of her death.

Among the Gauls the huſband exerciſed the power of life and death over his wives; and whenever a perſon of diſtinction was ſuſpected of having died a violent death, his wives were treated in the ſame manner with his other domeſtic ſervants; and in order to diſcover the guilty perſons they were all put to the torture *.

But of all thoſe powers with which in a rude age the huſband is uſually inveſted, we meet with

* "Viri in uxores, ſicuti in liberos, vitæ neciſque habent "poteſtatem: et quum paterfamilias illuſtriore loco natus de- "ceſſit, ejus propinqui conveniunt, et de morte, ſi res in ſuſpi- "cionem venit, de uxoribus in ſervilem modum quæſtionem "habent." Cæſ. de bell. Gall. lib. 6. §. 18.

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the fulleſt and moſt complete illuſtration in the antient law of the Romans. Among that people a wife was originally conſidered as, in every reſpect, the ſlave of her huſband *. She might be ſold by him at pleaſure or ſhe might be put to death by an arbitrary exertion of his authority. From the ceremonies which were uſed in the more ſolemn and regular celebration of marriage, it ſeems probable that, in early times, the wife was purchaſed with a real price from her relations †. She was reckoned incapable of having any eſtate of her own, and whatever ſhe poſſeſſed at the time of her marriage became the abſolute property of her huſband ‡.

Such are the natural effects of poverty and barbariſm, with reſpect to the paſſions of ſex, and with regard to the rank and conſideration which belongs to the women, as members of ſociety. But there is one circumſtance in the manners of a rude age, which, in ſome countries, appears to have produced a remarkable exception to the foregoing obſervations.

* She was ſaid "convenire in manum mariti," and was preſently in the ſame condition with a "filia-familiâs."

† The ceremonies of "coemptio."

‡ Vide Heinec. antiq. Roman.

Although

Although the inſtitution of marriage may be regarded as one of the firſt improvements, yet ſome little time and experience are neceſſary before it can be fully eſtabliſhed in a barbarous community; and we read of ſeveral nations, among whom it is either unknown, or takes place in a very imperfect and limited manner.

To a people in this ſituation it will appear, that children have much more connection with their mother than with their father. If a woman has no notion of attachment and fidelity to any particular perſon, if notwithſtanding her occaſional intercourſe with different individuals ſhe continues to live by herſelf, or with her own relations, the child which ſhe has born, and which ſhe maintains under her own inſpection, is regarded as a member of her own family, and the father, who lives at a diſtance, has no opportunity of eſtabliſhing an authority over it. In ſhort, the ſame ideas which obtain among us, with regard to baſtards, will, in thoſe primitive times, be extended to all, or the greater part of the children produced in the country.

Thus, among the Lycians, according to Herodotus, children were accuſtomed to take their names

names from their mother, and not from their father; ſo that if any perſon was deſired to give an account of the family to which he belonged, he was naturally led to recount his maternal genealogy in the female line. The ſame cuſtom took place among the antient inhabitants of Attica; as it does at preſent among ſeveral tribes of the natives in North-America, and of the nations in the Eaſt-Indies who inhabit the coaſt of Malabar*.

From theſe obſervations it is eaſy to ſee, that the mother of a numerous family, who lives at a diſtance from her other relations, will often be raiſed to a degree of rank and dignity to which from her ſex ſhe would not otherwiſe be entitled. Her children being, in their younger years, maintained and protected by her care and tenderneſs, and having been accuſtomed to ſubmit to her authority, will be apt, even after they are grown up, and have arrived at their full ſtrength and vigour, to behave to her with ſome degree of reverence and filial affection. Although they have no ad-

* Herodot. hiſt. lib. 1.—See Goguet's Origin of laws, &c. vol. 2. book 1.—Charlevoix journal hiſtorique d'un voyage de l'Amer. nouveaux voyage aux Orientales, tom. 2. p. 20.—Mod. Univ. Hiſt. vol. 6. p. 561.

miration

miration of her military talents, they may often reſpect her upon account of her experience and wiſdom; and although they ſhould not themſelves be always very ſcrupulous in paying her an implicit obedience, they will probably be diſpoſed to ſupport her intereſt againſt every other perſon whatever, and to eſpouſe her quarrel in every ſtrife or contention in which ſhe happens to be engaged.

This is in all probability the ſource of that influence which appears to have been poſſeſſed by the women in ſeveral rude and barbarous parts of the world.

In the iſland of Formoſa, it is ſaid, that in forming that ſlight and tranſient union between the ſexes, to which our travellers, in conformity to the cuſtoms of Europe, have given the name of marriage, the huſband quits his own family, and paſſes into that of his wife, where he continues to reſide as long as his connection with her endures *.

In the Ladrone Iſlands the wife is abſolute miſtreſs of the houſe, and the huſband is not at

* Du Halde, vol. 1. p. 179.

liberty

liberty to diſpoſe of any thing without her permiſſion. She chaſtiſes him, or puts him away, at pleaſure; and whenever a ſeparation happens, ſhe not only retains all her moveables, but alſo her children, who conſider the next huſband ſhe takes as their father *.

The North American tribes are often accuſtomed to admit their women into their public councils; and even to allow them the privilege of being firſt called to give their opinion upon every ſubject of deliberation. Females, indeed, are held incapable of enjoying the office of chief, but through them the ſucceſſion to that dignity is continued; and therefore, upon the death of a chief, he is ſucceeded, not by his own ſon, but by that of his ſiſter; and in default of the ſiſter's ſon, by his neareſt relation in the female line. When his whole family happens to be extinct, the right of naming a ſucceſſor is claimed by the nobleſt matron of the village.

It is obſerved, however, by an author who has given us the fulleſt account of all theſe particulars,

* Father Gobien's hiſtory of the Ladrone or Marian Iſlands.—See Callender's coll. vol. 3. p. 51, 52.

that the women of North America do not arrive at this influence and dignity till after a certain age, and after their children are in a condition to procure them reſpect: that before this period they are commonly treated as the ſlaves of the men; and that there is no country in the world where the female ſex are, in general, more neglected and deſpiſed *.

Among the antient inhabitants of Attica the women had, in like manner, a ſhare in their public deliberations. This cuſtom continued till the reign of Cecrops, when a revolution was produced, of which the following fabulous relation has been given by hiſtorians. It is ſaid, that after the building of Athens, Minerva and Neptune became competitors for the honour of giving a name to the city, and that Cecrops called a public aſſembly of the men and women in order to determine the difference. The women were intereſted upon the part of Minerva; the men upon that of Neptune; and the former carried the point by the majority of one vote. Soon after, there happened an inundation of the ſea, which occaſioned much damage, and greatly terrified

* Charlevoix journal hiſtorique de l'Amer. let. 19.

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the inhabitants, who believed that this calamity proceeded from the vengeance of Neptune for the affront he had ſuffered. To appeaſe him, they reſolved to puniſh the female ſex, by whom the offence was committed; and determined that no woman ſhould for the future be admitted into the public aſſemblies, nor any child be allowed to bear the name of its mother *.

It may explain this piece of antient mythology to obſerve, that in the reign of Cecrops marriage was firſt eſtabliſhed among the Athenians. In conſequence of this eſtabliſhment the children were no longer accuſtomed to bear the name of their mother, but that of their father, who, from his ſuperior ſtrength and military talents, became the head and governor of the family; and as the influence of the women was thereby greatly diminiſhed, it was to be expected that they ſhould in a little time be entirely excluded from thoſe great aſſemblies which deliberated upon the public affairs of the nation.

Among the antient Britons we find, in like manner, that the women were accuſtomed to vote

* See Goguet's origin of laws, &c. vol. 2. book 1.

in their public aſſemblies. That rude and imperfect inſtitution of marriage, and that community of wives, which antiently took place in this country, muſt have prevented the children from acquiring any conſiderable connection with their father; and have diſpoſed them to follow the condition of their mother, and to ſupport her intereſt and dignity.

When a woman, by being at the head of a large family, is thus advanced to influence and authority, and becomes, a ſort of female chief, ſhe maintains a number of ſervants, and endeavours to live with ſuitable ſplendor and magnificence. In proportion to the affluence in which ſhe is placed, ſhe is more diſpoſed to the indulgence of her paſſions; and, in a period when the ſexes are but little accuſtomed to controul or diſguiſe their inclinations, it is by no means ſurpriſing, that ſhe is ſometimes led into a correſpondence with different male retainers, who happen to reſide in her family, and over whom ſhe exerciſes an authority reſembling that of a maſter.

Hence we are told, that in ſome provinces of the antient Median empire it was cuſtomary for women

women to entertain a number of huſbands, as in others it was cuſtomary for men to entertain a number of wives or concubines *.

This unuſual kind of polygamy, if I may be allowed to uſe that expreſſion, is alſo eſtabliſhed at preſent upon the coaſt of Malabar †, and in ſome cantons of the Iroquois in North America ‡; and, though there is no practice which appears more inconſiſtent with the views and manners of a civilized nation, it has in all probability been adopted, in many particular caſes, among all thoſe tribes of barbarians in different parts of the world who are unacquainted with the regular inſtitution of marriage.

Having conſidered the ſtate of the women in a ſimple and barbarous age, we may eaſily imagine in what manner it is improved by the gradual advancement of ſociety in civilization, opulence, and refinement. Whatever has a tendency to create more attention to the pleaſures of ſex, or

* Strabo, lib. 11.

† Modern Univerſal Hiſtory, vol. 16.—Capt. Hamilton ſays, that upon the coaſt of Malabar a woman is not allowed to have more than twelve huſbands.

‡ Charlevoix, journal hiſt.

to

to raiſe the eſtimation of the different arts and occupations which are ſuited to the female character, muſt alſo have an influence in procuring reſpect to the fair ſex, and in promoting their rank and conſequence.

I. The invention of taming and paſturing cattle may, in this reſpect, be regarded as productive of very important alterations in the manners of a barbarous people.

A ſhepherd is more regularly ſupplied with food, and is commonly ſubjected to fewer hardſhips and calamities than thoſe who live by hunting and fiſhing; as in proportion to the ſize of his family the number of his flocks may in ſome meaſure be increaſed, ſo the labour which is requiſite for their management can never be very oppreſſive. Being thus provided with neceſſaries, he naturally aims at ſome little improvement in his manner of living. Having obtained the gratifications moſt eſſential to his ſubſiſtence, he is led to the purſuit of others which may render his ſituation more eaſy and comfortable; and among theſe the enjoyments which are derived from the intercourſe of the ſexes claim a principal ſhare, and become an object of attention.

The

The leiſure, tranquillity, and retirement of a paſtoral life, ſeem calculated in a peculiar manner to favour the indulgence of thoſe indolent gratifications. From higher notions of elegance and refinement a nicer diſtinction is made with regard to the objects of deſire; and the mere animal pleaſure is often accompanied with the more delicate correſpondence of inclination and ſentiment. That variety which ariſes from thence in the taſte of individuals, proves on many occaſions an obſtruction to their happineſs, and prevents the lover from meeting with a proper return to his paſſion. But the delays and the uneaſineſs to which he is thereby ſubjected, ſerve only to heighten his eagerneſs and ſollicitude, in the purſuit of his favourite enjoyment; and he is wholly ingroſſed by thoſe tender ideas which inflame his imagination, and become the ſubject of thoſe rude but expreſſive ſongs, which he is accuſtomed to compoſe for his ordinary paſtime and amuſement.

The acquiſition of property among ſhepherds hath alſo a conſiderable effect upon the commerce of the ſexes.

Thoſe

Thoſe who have no other fund for their ſubſiſtence but the natural fruits of the earth, or the game which the country affords, are acquainted with no other diſtinctions in the rank of individuals, but ſuch as ariſe from their perſonal accompliſhments; diſtinctions which are never continued for any length of time in the ſame family, and which therefore can never be productive of any laſting influence and authority. But the invention of taming and paſturing cattle gives riſe to a more remarkable and permanent diſtinction of ranks. Some perſons, by being more induſtrious or more fortunate than others, are led in a ſhort time to acquire more numerous herds and flocks, and are thereby enabled to live in greater affluence, to maintain a number of ſervants and retainers, and to increaſe in proportion their power and dignity. As the ſuperior fortune which is thus acquired by a ſingle perſon is apt to remain with his poſterity, it creates a train of dependence in thoſe who have been connected with the poſſeſſor, and the influence which it occaſions is gradually augmented and tranſmitted from one generation to another.

The introduction of wealth, and the diſtinction of ranks with which it is neceſſarily accompanied,

has a natural tendency to interrupt the free intercourſe of the ſexes, and in many caſes renders it difficult for them to obtain the gratification of their wiſhes. By the acquiſition of great opulence, particular perſons were led to entertain ſuitable notions of their own dignity; and while they aimed at ſuperior elegance and refinement in their pleaſures, they diſdained to contract an alliance with their own dependents, or with thoſe of inferior condition. The rivalſhip at the ſame time which ſubſiſted between neighbouring great families, the animoſities and quarrels which frequently aroſe from their ambition or deſire of plunder, and were fomented by reciprocal injuries, diſpoſed them in all caſes to behave to each other with diſtance and reſerve, and proved on many occaſions an inſuperable obſtacle to their correſpondence. When the paſſions of ſex therefore had accidentally exerted their influence over perſons who lived upon ſuch terms, they were naturally raiſed to a high pitch, in proportion to the difficulties which were commonly thrown in the way of their gratification.

Though it cannot be doubted but the poets have blended a great deal of fiction with thoſe re-

pre-

preſentations which they have given us of a golden age, yet there is reaſon to believe, that in thoſe agreeable pictures of the paſtoral life they have only embelliſhed the traditions which were handed down to them, and which laid a foundation for that particular ſpecies of poetry which is now appropriated by faſhion to deſcribe the pleaſures of rural retirement, accompanied with innocence and ſimplicity of manners, and with the indulgence of all the tender paſſions.

Among the inhabitants of the eaſtern coaſt of Tartary it is ſaid, that thoſe tribes which are accuſtomed to the paſturing of cattle diſcover ſome ſort of jealouſy with regard to the chaſtity of their women, a circumſtance which is looked upon as a matter of perfect indifference by thoſe families in that country who procure their ſubſiſtence merely by fiſhing*.

From what is related of the patriarch Jacob, it would ſeem, that thoſe families or tribes of ſhepherds which were antiently ſcattered over the country of Arabia had attained to ſome degree of improvement in their manners.

* Hiſtory of Kamtſchatka.

" And

"And Jacob loved Rachel; and ſaid, I will "ſerve thee ſeven years for Rachel thy younger "daughter.

"And Laban ſaid, It is better that I give her to "thee than that I ſhould give her to another "man: abide with me.

"And Jacob ſerved ſeven years for Rachel: "and they ſeemed unto him but a few days, for "the love he had to her *."

In the compoſitions of Oſſian, which deſcribe the manners of a people acquainted with paſturage, there is often a degree of tenderneſs and delicacy of ſentiment which can hardly be equalled in the moſt refined productions of a civilized age. Some allowance no doubt muſt be made for the heightening of a poet poſſeſſed of uncommon genius and ſenſibility of temper; but at the ſame time it is probable that the real hiſtory of his countrymen was the groundwork of thoſe events which he has related, and of thoſe tragical effects which he frequently aſcribes to the paſſion between the ſexes.

* Geneſis, cap. xxix. ver. 18, 19, 20.

"Lorma

" Lorma ſat in Aldo's hall, at the light of a " flaming oak: the night came, but he did not " return, and the ſoul of Lorma is ſad.——What " detains thee, Hunter of Cona? for thou didſt " promiſe to return.——Has the deer been diſ- " tant far, and do the dark winds ſigh round thee " on the heath? I am in the land of ſtrangers, " where is my friend, but Aldo? Come from thy " ecchoing hills, O my beſt beloved!

" Her eyes are turned towards the gate, and ſhe " liſtens to the ruſtling blaſt. She thinks it is Al- " do's tread, and joy riſes in her face:——but ſor- " row returns again, like a thin cloud on the moon. " ——And thou wilt not return, my love? Let " me behold the face of the hill. The moon is " in the eaſt. Calm and bright is the breaſt of the " lake! When ſhall I behold his dogs returning " from the chace? When ſhall I hear his voice " loud and diſtant on the wind? Come from thy " ecchoing hills, Hunter of woody Cona!

" His thin ghoſt appeared on a rock, like the " watry beam of the moon, when it ruſhes from " between two clouds, and the midnight ſhower " is on the field.——She followed the empty " form over the heath, for ſhe knew that her hero

" fell.

" fell.——I heard her approaching cries on the " wind, like the mournful voice of the breeze, " when it ſighs on the graſs of the cave.

" She came, ſhe found her hero: her voice was " heard no more: ſilent ſhe rolled her ſad eyes; " ſhe was pale as a watry cloud, that riſes from " the lake to the beam of the moon.

" Few were her days on Cona: ſhe ſunk into " the tomb: Fingal commanded his bards, and " they ſung over the death of Lorma. The " daughters of Morven mourned her for one day " in the year, when the dark winds of autumn " returned *."

The paſſions which relate to the commerce of the ſexes are ſtill raiſed to a greater height, when men have applied themſelves to the cultivation of the ground and the improvement of the ſeveral branches of huſbandry.

The improvement of agriculture produceth a greater abundance of the neceſſaries of life; and excites, in the better ſort of people, more attention to thoſe pleaſures and refinements of which their ſituation admits, and to which they are prompted

* The Battle of Lora.

by

by their natural appetites. We may obſerve alſo that it gives riſe to property in land, the moſt valuable and permanent ſpecies of wealth; by the unequal diſtribution of which a greater diſproportion is made in the fortune and rank of individuals, and the cauſes of jealouſy and of diſſention between the members of different families are increaſed and multiplied.

In the heroic times of Greece, we may, in ſome meaſure, diſcern the effect of thoſe circumſtances upon the character and manners of the people.

The inhabitants of that country were then divided into clans or tribes, who had for the moſt part begun the practice of agriculture, and formed a number of ſeparate and independent villages. As thoſe little ſocieties maintained a conſtant rivalſhip with each other, and were frequently engaged in actual hoſtilities, they entertained a mutual apprehenſion and diſtruſt, which prevented them from converſing together, unleſs upon extraordinary occaſions; and when in particular caſes a formal viſit had produced an interview between the men and women of different families, it was often attended with ſuch violent paſſion as might be expected from the reſtraints to which they

they were uſually ſubjected. A chief who had fallen in love with the wife or the daughter of a neighbouring prince, was diſpoſed to encounter every danger in order to gratify his deſires; and, after ſeducing the lady, or carrying her away by force, he was generally involved in a war with her relations; and with ſuch as choſe to aſſiſt them in vindicating the honour of their family, and in revenging the injury which they had ſuffered. Diſorders of this kind were for a conſiderable time the ſource of the chief animoſities among the different ſtates of Greece, as well as between them and the inhabitants of Aſia Minor; and the rape of Io, of Europa, of Medea, and of Helen, are mentioned as the ground of ſucceſſive quarrels, which in the end were productive of the moſt diſtinguiſhed military enterprize that is recorded in the hiſtory of thoſe periods.

But notwithſtanding theſe particulars, from which it appears that the paſſions of ſex had often a conſiderable influence upon the conduct of the people, we are not to imagine that the Greeks in thoſe times had entirely ſhaken off their antient barbarous manners, or in their ideas, with reſpect to the women, had attained to any high degree of delicacy or refinement.

In the Iliad, the wife of Menelaus is conſidered as of little more value than the treaſure which had been ſtolen along with her. The reſtitution of the lady and of that treaſure is always mentioned in the ſame breath; and ſeems to be regarded as a full reparation of the injury which Menelaus had ſuſtained. And though it was known that Helen had made a voluntary elopement with Paris, yet her huſband is far from diſcovering the leaſt reſentment at her conduct, or unwillingneſs to receive her again into favour*.

Even the wife of Ulyſſes, whoſe virtue in refuſing the ſuitors is ſo much celebrated in the Odyſſey, is ſuppoſed to derive her principal merit from preſerving to her huſband's family the dowry which ſhe had brought along with her, and which it ſeems upon her ſecond marriage muſt have been reſtored to her father Icarius †.

And though Telemachus is always repreſented as a pious and dutiful ſon, we find him reproving

* Iliad, book 3. l. 100. 127. 355.

† How to Icarius, in the bridal hour,
Shall I, by waſte undone, refund the dower?
POPE's Odyſſ. book 2. l. 153.

his

his mother in a manner which ſhews he had no very high notion of her dignity, or of the reſpect which belonged to her ſex.

" Your widowed hours, apart, with female toil,
" And various labours of the loom, beguile;
" There rule, from palace cares remote and free;
" That care to man belongs, and moſt to me *."

PENELOPE is ſo far from being offended at this language, that ſhe appears to look upon it as a mark of uncommon prudence and judgment in ſo young a perſon.

" Mature beyond his years, the queen admires
" His ſage reply, and with her train retires."

The acquiſition of extenſive property in land, the jealouſy ariſing from the diſtinction of ranks, and the animoſities and feuds which are apt to be produced by the neighbourhood of great independent families, appear to have been attended with much more remarkable conſequences among thoſe barbarous nations who, about the fifth century, invaded the Roman empire, and afterwards

* Pope's Odyſſ. book 1. l. 453.

ſettled in the different provinces which they had conquered.

As thoſe nations were ſmall, and as they acquired an extenſive territory, the ſeveral tribes or families of which they were compoſed ſpread themſelves over the country, and were permitted to occupy very large eſtates. Particular chieftains or heads of families became great and powerful in proportion to their wealth, which enabled them to maintain a numerous train of dependents and followers. Being neither acquainted with arts and civilization, nor reduced under ſubjection to any regular government, they lived in the conſtant exerciſe of thoſe mutual depredations and hoſtilities which are natural to independent tribes of barbarians, and which might be expected from the vaſt opulence and ambition of neighbouring proprietors. In this ſituation they remained, with little variation, near a thouſand years; during which the ſame cauſes continued to operate in forming the character and manners of the people, and gave riſe to a ſet of cuſtoms and inſtitutions of which we have no example in any other age or country.

The high notions of military honour, and the romantic love and galantry by which thoſe nations were

were ſo much diſtinguiſhed, appear to have been equally derived from thoſe particular circumſtances.

The men of that age being almoſt continually employed in war, were led to acquire ſuch habits as rendered them in a great meaſure inſenſible to danger, and capable of ſupporting the fatigue and hardſhips to which they were ſo frequently expoſed. In their various enterprizes they had often occaſion to diſplay their ſtrength or their valour, and to vie with each other in the performance of thoſe military exploits which were admired and applauded by their companions. To gain a character in this reſpect was therefore the aim of every individual; and, among perſons who aſpired to ſuperior rank and influence, was even preferred to the proſpect of enriching themſelves with plunder. They fought merely to eſtabliſh a reputation in arms. and affected to look upon every inferior conſideration as mean and ignoble. They diſdained to practiſe unfair means in order to gain a victory, or to inſult and oppreſs an enemy whom they had ſubdued. According to theſe notions of honour they regulated their whole manner of fighting; and laid down certain rules and maxims by which the gentry were directed in all their military tranſactions, and from

which they were never allowed to deviate without bringing an indelible ſtain upon their character *.

As the attention of thoſe nations was ſo generally turned to the military profeſſion, it was natural that even in times of peace their ſports and amuſements ſhould be ſuch as had a relation to that employment, and tended to improve their warlike accompliſhments. Thoſe who belonged to different tribes or families were diſpoſed to boaſt of their proweſs; and when not engaged in actual hoſtilities, were accuſtomed to challenge one another to contend in exerciſes by which they might diſplay their ſuperior ſkill, their valour, and their activity. Hence the origin of jouſts and tournaments; thoſe images of war, which were frequently exhibited by men of rank and diſtinction, and which tended ſtill farther to improve thoſe nice punctilios of behaviour that were commonly practiſed by the military people in

* But Calidore again up-roſe full light,
Whiles yet his foe lay faſt in ſenſeleſs ſound;
Yet would he not him hurt, altho' he might:
For ſhame he ween'd a ſleeping wight to wound.
SPENSER's Fairy Queen, book 6.

every conteſt or quarrel in which they had occaſion to be engaged.

From this prevailing ſpirit of the times, the art of war became the ſtudy of every one who was deſirous of maintaining the character of a gentleman. The youth were early initiated in the profeſſion of arms, and ſerved a ſort of apprenticeſhip under perſons of rank and experience. The young ſquire became in reality the ſervant of that leader to whom he had attached himſelf, and whoſe virtues were ſet before him as the model which he propoſed to imitate. He was taught to perform with eaſe and dexterity thoſe exerciſes which were either ornamental or uſeful, and at the ſame time he endeavoured to acquire thoſe talents and accompliſhments which were thought ſuitable to his profeſſion. He was taught to look upon it as his duty to check the inſolent, to reſtrain the oppreſſor, to protect the weak and defenceleſs; to behave with frankneſs and humanity even to an enemy, with modeſty and politeneſs to all. According to the proficiency which he had made, he was proportionably advanced in rank and character, and was honoured with new titles and marks of diſtinction, till at length he arrived at the dig-

dignity of knighthood; a dignity which even the greateſt potentates were ambitious of acquiring, as it was ſuppoſed to diſtinguiſh a perſon who had obtained the moſt complete military education, and who had attained to a high degree of eminence in thoſe particular qualities which were then univerſally admired and reſpected.

The ſituation of mankind in thoſe periods had alſo a manifeſt tendency to heighten and improve the paſſion between the ſexes. It was not to be expected that thoſe opulent chiefs, who were ſo often at variance, and who maintained a conſtant oppoſition to each other, would allow any ſort of familiarity to take place between the members of their reſpective families. Retired in their own caſtles, and ſurrounded by their numerous vaſſals, they looked upon their neighbours either as inferior to them in rank, or as enemies, againſt whom they were obliged to be conſtantly upon their guard. They behaved to each other with that ceremonious civility which the laws of chivalry required; but at the ſame time with that reſerve and caution which a regard to their own ſafety made it neceſſary for them to obſerve. The young knight as he marched to the tournament ſaw at a diſtance the daugh-

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ter of the chieftain by whom the ſhow was exhibited; and it was even with difficulty that he could obtain acceſs to her, in order to declare the ſentiments with which ſhe had inſpired him. He was entertained by her relations with that cold reſpect which demonſtrated their unwillingneſs to contract an alliance with him. The lady herſelf was taught to aſſume the pride of her family, and to think that no perſon was worthy of her affection who did not poſſeſs the moſt exalted rank and character. To have given way to a ſudden inclination would have diſgraced her for ever in the opinion of all her kindred; and it was only by a long courſe of attention, and of the moſt reſpectful ſervice, that the lover could hope for any favour from his miſtreſs.

The barbarous ſtate of the country at that time, and the injuries to which the inhabitants, eſpecially thoſe of the weaker ſex, were frequently expoſed, gave ample ſcope for the diſplay of military talents; and the knight who had nothing to do at home was encouraged to wander from place to place, and from one court to another, in queſt of adventures; in which he endeavoured to advance his reputation in arms, and to recommend himſelf

to

to the fair of whom he was enamoured, by fighting with every perſon who was ſo inconſiderate as to diſpute her unrivalled beauty, virtue, or perſonal accompliſhments. Thus, while his thoughts were conſtantly fixed upon the ſame object, and while his imagination, inflamed by abſence and repeated diſappointments, was employed in heightening all thoſe charms by which his deſires were continually excited, his paſſion was at length wrought up to the higheſt pitch; and uniting with the love of fame, became the ruling and governing principle of his conduct, and gave a particular turn and direction to all his ſentiments and opinions.

As there were many perſons in the ſame ſituation, ſo they were naturally inſpired with ſimilar ſentiments. Rivals to one another in military glory, they were often competitors, as Milton expreſſeth it, "to win her grace whom all commend;" and the ſame emulation which diſpoſed them to aim at preeminence in the one reſpect, excited them with no leſs eagerneſs to diſpute the preference in the other. Their diſpoſitions and manner of thinking became faſhionable, and were gradually diffuſed by the force of education and example. To be in love

was

was looked upon as one of the neceſſary qualifications of a knight; and he was no leſs ambitious of ſhowing his conſtancy and fidelity to his miſtreſs, than of diſplaying his military virtues. He aſſumed the title of her ſlave, or ſervant. By this he diſtinguiſhed himſelf in every combat in which he was engaged; and his ſucceſs was ſuppoſed to redound to her honour, not leſs than to his own. If ſhe had beſtowed upon him a preſent to be worn in the field of battle in token of her regard, it was conſidered as a ſure pledge of victory, and as laying upon him the ſtrongeſt obligation to act in ſuch a manner as would render him worthy of the favour which he had received *.

The ſincere and faithful paſſion, the diſtant ſentimental attachment, which commonly occupied the heart of every warrior, and which he profeſſed upon all occaſions, was naturally productive of the utmoſt purity of manners, and of great reſpect and veneration for the female ſex. Perſons who made a point of defending the reputation and dignity of that particular lady to whom they were

* Memoires ſur l'ancienne chevalerie, par M. de la Curne de Ste. Palaye.

devoted,

devoted, became thereby extremely cautious and delicate; leſt, by any inſinuation whatever, they ſhould hurt the character of another, and be expoſed to the juſt cenſure and reſentment of thoſe by whom ſhe was protected. A woman who deviated ſo far from the eſtabliſhed maxims of the age as to violate the laws of chaſtity, was indeed deſerted by every body, and was therefore univerſally contemned and inſulted. But thoſe who adhered to the ſtrict rules of virtue, and maintained an unblemiſhed reputation, were treated like beings of a ſuperior order. The love of God and of the ladies was one of the firſt leſſons inculcated upon every young perſon who was initated into the military profeſſion. He was inſtructed with care in all thoſe forms of behaviour which, according to the received notions of gallantry and politeneſs, were ſettled with the moſt frivolous exactneſs. He was frequently put under the tuition of ſome matron of rank and diſtinction, who in this particular directed his education, and to whom he was under a neceſſity of revealing all his ſentiments, thoughts, and actions. An oath was impoſed upon him, by which he became bound to vindicate the honour of the ladies, as well as to defend them from every

every ſpecies of injuſtice; and the uncourteous knight, who behaved to them with rudeneſs, or who ventured to injure and inſult them, became the object of general indignation and vengeance, and was treated as the common enemy of all thoſe who were actuated by the true and genuine principles of chivalry *.

Theſe ideas of love and galantry, and of military honour, which were raiſed to ſuch a height, and were ſo univerſally diffuſed among thoſe nations, as they were diſplayed in all the amuſements and diverſions of the people, ſo they had neceſſarily a remarkable influence upon the genius and taſte of their literary compoſitions. It was to be expected that men would be pleaſed with a recital of what they admired in real life; and the firſt authors were a ſort of poetical hiſtorians, who endeavoured to embelliſh thoſe events which had ſtruck their imagination, and appeared moſt worthy of being preſerved.

Such were the bards, who about the eleventh century are ſaid, along with their minſtrels, to have

* Memoires ſur l'ancienne chevalerie, par M. de la Curne de Ste. Palaye.

attended

attended the feſtivals and entertainments of princes, and to have ſung, with the accompaniment of muſical inſtruments, a variety of ſmall poetical pieces of their own compoſition, in which they deſcribed the heroic ſentiments, as well as the love and gallantry of the times *.

They were ſucceeded by the writers of romance, who related a longer and more connected ſeries of adventures, in which were exhibited the moſt extravagant inſtances of valour and generoſity, of patience and fortitude, of reſpect to the ladies, of diſintereſted love, and inviolable fidelity; ſubjects the moſt capable of warming the imagination, and of producing the moſt ſublime and refined deſcriptions; but which were often diſgraced by the unſkilfulneſs of the author, and by that exceſſive propenſity to exaggeration, and turn for the marvellous, which prevailed in thoſe ages of darkneſs and ſuperſtition. Thoſe performances however, with all their faults, may be regarded as ſtriking monuments of the Gothic taſte and genius, to which there is nothing ſimilar in the writings of antiquity; and at the ſame time as uſeful re-

* Hiſtoire du theatre François, par M. de Fontenelle.

cords,

cords, which contain ſome of the outlines of the hiſtory, together with a faithful picture of the manners and cuſtoms of thoſe remarkable periods.

This obſervation may alſo be applied, in ſome meaſure, to the Epic poetry which followed, and which, with more correctneſs and regularity, and with the graces of verſification, deſcribed the ſame heroic ſentiments, and the ſame romantic love and galantry, which was peculiar to the ages of chivalry *. When the improvement of public ſhows and ſpectacles had given riſe to dramatic performances, they were compoſed after the ſame model; and the firſt tragedies, unleſs when they were founded upon religious ſubjects, repreſented love as the grand ſpring and mover of every action; the ſource of all thoſe hopes and fears with which the principal perſonages were ſucceſſively agitated, and of that diſtreſs and miſery in which they were finally involved.

The firſt deviation from this general taſte of compoſition in works of entertainment may be diſcovered in Italy, where the revival of letters was early attended with ſome relaxation of the Gothic inſtitutions and manners.

* Orlando Furioſo.—Gieruſalemme liberata.—Fairy Queen.

The

The advancement of arts and manufactures in that country gave riſe to ſomewhat of a different ſpirit; and the diſpoſitions of the tradeſmen and merchants, who inhabited the principal towns, were readily communicated to thoſe who had intercourſe with them. To this we may add the influence of the clergy, who reſorted in great numbers to Rome, as the fountain of eccleſiaſtical preferment; and who, embracing different views and principles from thoſe of the military profeſſion, were enabled to propagate their opinions and ſentiments among the greater part of the inhabitants.

The early decay of the military ſpirit among the Italians was manifeſt from their diſuſe of duelling, the moſt refined method of executing private revenge, and from their ſubſtituting in place of it the more artful but cowardly practice of poiſoning. Their taſte of writing was in like manner varied, according to the circumſtances of the people, who began to reliſh thoſe ludicrous deſcriptions of low life and of licentious manners which we meet with in the tales of Arioſto and of Boccace, which were ſo contrary to the gravity and decorum of former times, and which appear to have taken their origin from the monks, in conſequence of

thoſe

thoſe diſpoſitions and habits which their conſtrained and unnatural ſituation had a tendency to produce.

In the other countries of Europe, the manners introduced by chivalry were more firmly rooted; and acquiring ſtability from cuſtom, may ſtill be obſerved to have a good deal of influence upon the taſte and ſentiments even of the preſent age. When a change of circumſtances, more than the inimitable ridicule of Cervantes, had contributed to explode the antient romances, they were ſucceeded by thoſe ſerious novels which in France and England are ſtill the favourite entertainment, and which repreſent in a more moderate degree the ſame ideas of military honour and of love and galantry which prevailed in the writings of a former period. The faſhion of thoſe times has alſo remained with us in all our grave and ſolemn theatrical compoſitions; and it is only of late that, from the example of an eminent writer*, we have been taught to believe that a tragedy which gave no admiſſion to a love-plot could be attended with any degree of ſucceſs.

* M. de Voltaire.

II. Great alterations are produced in the ſtate and condition of the women, from the gradual advancement of ſociety in arts and manufactures.

The advancement of a people in civilization has a tendency to remove thoſe circumſtances which prevented the free intercourſe of the ſexes, and contributed to heighten and inflame their paſſions. By the eſtabliſhment of a regular government, different families, who lived in a ſtate of independence, and were ſo frequently at war, are reſtrained from injuring one another, and are reduced under ſubjection to the laws. Their former animoſities, which were the ſource of continual diſturbance, are no longer cheriſhed and kept up by freſh provocation, and at length are entirely buried in oblivion. Being no longer withheld by their mutual fear and jealouſy, they are led by degrees to contract an acquaintance with each other, and to carry on a more intimate correſpondence. From the cultivation of the arts of peace, the different members of ſociety are more and more united, and have occaſion to enter into a greater variety of tranſactions for their mutual benefit.

benefit. The men and women are permitted to converſe with more eaſe and freedom, and ſeldomer meet with any oppoſition to the indulgence of their particular inclinations.

But while the fair ſex become leſs frequently the objects of thoſe romantic and extravagant paſſions, which in ſome meaſure ariſe from the diſorders of ſociety, they are more univerſally reſpected upon account of the uſeful or agreeable talents which they are capable of acquiring.

When men begin to diſuſe their antient barbarous practices, when their attention is not wholly engroſſed by the purſuit of military reputation, when they have made ſome progreſs in arts, and have attained to a proportional degree of refinement, they are naturally led to pay a ſuitable regard to thoſe female accompliſhments and virtues which have ſo much influence upon every ſpecies of improvement, and which contribute in ſo many different ways to multiply the comforts of life. Among a people in this ſituation, the wife is regarded neither as the ſlave nor the idol of her huſband, but as the friend and companion, who ſoothes and alleviates his misfortunes, who doubles

all his joys, and who is capable of taking a part in the care and labour to which he is ſubjected. Loaded by nature with the firſt and moſt immediate concern in rearing and maintaining the children, ſhe is endowed with ſuch diſpoſitions as fit her for the diſcharge of this important duty; and is at the ſame time particularly qualified for the exerciſe of all thoſe minute occupations which require ſkill and dexterity more than ſtrength, which are ſo neceſſary in the interior management of the family, and which are of ſo much conſequence in promoting the happineſs and proſperity of all its members.

What are the effects of the high regard which is ſhown to thoſe female accompliſhments by a people who are thus advanced in improvement? In what manner does it operate in directing the education, and in forming the character and manners of the ſex? They learn to ſuit their behaviour to the circumſtances in which they are placed, and to that particular ſtandard of propriety and excellence which is ſet before them. Being reſpected upon account of their diligence and proficiency in the various branches of domeſtic œconomy, they naturally endeavour to improve and extend thoſe

valuable

valuable qualifications. They are taught to apply with aſſiduity to thoſe occupations which fall under their province, and to look upon idleneſs as the greateſt blemiſh in the female character. They are inſtructed betimes in whatever will qualify them for the duties of their ſtation, and is thought conducive to the ornament of private life. Engaged in theſe ſolid purſuits, they are leſs apt to be diſtinguiſhed by thoſe brilliant accompliſhments which make a figure in the circle of gaiety and amuſement. Accuſtomed to live in retirement, and to keep company with their neareſt relations and friends, they are inſpired with all that modeſty and diffidence which is natural to perſons unacquainted with promiſcuous converſation; and their affections are neither diſſipated by pleaſure, nor corrupted by the vicious cuſtoms of the world. As their attention is principally beſtowed upon the members of their own family, they are led in a particular manner to improve thoſe feelings of the heart which are excited by theſe tender connections, and they are trained up in the practice of all the domeſtic virtues.

The celebrated character which is drawn by Solomon of the virtuous woman is highly expreſ-

ſive of thoſe ideas and ſentiments, with regard to the fair ſex, which are commonly entertained by a people who have made ſome improvements in commerce and in the arts of life.

" She ſeeketh wool and flax, and worketh will-
" ingly with her hands.

" She is like the merchant ſhips, ſhe bringeth
" her food from afar.

" She riſeth alſo while it is yet night, and giveth
" meat to her houſhold, and a portion to her
" maidens.

" She conſidereth a field and buyeth it: with
" the fruit of her hands ſhe planteth a vineyard.

" She perceiveth that her merchandiſe is good:
" her candle goeth not out by night.

" She layeth her hands to the ſpindle, and her
" hands hold the diſtaff.

" She ſtretcheth out her hand to the poor; yea,
" ſhe reacheth forth her hands to the needy.

" She is not afraid of the ſnow for her houſhold:
" for all her houſhold are cloathed with ſcarlet.

" She

"She maketh herſelf coverings of tapeſtry, her "cloathing is ſilk and purple.

"Her huſband is known in the gates, when he "ſitteth among the elders of the land.

"She maketh fine linen, and ſelleth it, and de- "livereth girdles unto the merchant.

"Strength and honour are her cloathing, and "ſhe ſhall rejoice in time to come.

"She openeth her mouth with wiſdom, and in "her tongue is the law of kindneſs.

"She looketh well to the ways of her houſhold, "and eateth not the bread of idleneſs *."

In the antient Greek ſtates it appears, that the fair ſex were viewed nearly in the ſame light, and that their education was chiefly calculated to improve their induſtry, and to render them uſeful members of ſociety. Their employments were altogether domeſtic, and their attention ſeems to have been engroſſed by the care of their own families, and by thoſe ſmaller branches of manufacture which they were qualified to exerciſe. They were uſually lodged in a remote apartment of the

* Proverbs, chap. xxxi. ver. 13, &c.

houſe,

houſe, and they were ſeldom viſited by any perſon except their near relations. Their modeſty and reſerve, and their notions concerning that behaviour which was ſuited to the female character, were ſuch as might be expected from the retired manner of life to which they had been accuſtomed. They never appeared abroad without being covered with a veil, and were not allowed to be preſent at any public entertainment *. "As for you "women," ſays Pericles in one of the orations in Thucydides, "it ought to be the conſtant aim "of your ſex to avoid being talked of by the "public, and it is your higheſt commendation "that you ſhould never be the objects either of "applauſe or cenſure †."

In the Andromache of Euripides, a lady is ſeverely reproved for appearing out of doors, which it ſeems was conſidered as a freedom that was likely to endanger her reputation.

Lycias, in one of his orations, introduces a widow, the mother of ſeveral children, who talks of appearing in public as one of the moſt deſperate

* Cornel. Nep. pref.—Cicero in Verrem.—Lyſ. Orat. cont. Eratoſthenem.

† Thucydides, lib. 2.

meaſures

meaſures to which ſhe could be driven by her misfortunes. She prays and entreats her ſon-in-law to call together her relations and friends, that ſhe might inform them of her ſituation. "I "have," ſays ſhe, "never before been accuſtomed "to ſpeak in the preſence of men; but I am "compelled by my ſufferings to complain of the "injuries I have met with *."

Solon is ſaid to have even made regulations for preventing the women from violating thoſe decorums which were eſteemed ſo eſſential to their character. He appointed that no matron ſhould go from home with more than three garments, nor a larger quantity of proviſions than could be purchaſed for an obolus. He alſo provided, that when any matron went abroad, ſhe ſhould always have an attendant, and a lighted torch before her †.

It is probable, that the recluſe ſituation of the Grecian women, which was adapted to the circumſtances of the people upon their firſt advancement in civilization, was afterwards maintained from the

* Lyſ. Orat. cont. Diagit.

† See Potter's Greek antiquities.

in-

influence of cuſtom, and from an inviolable reſpect to their antient inſtitutions. At the ſame time, while it appeared conducive to the more ſolid enjoyments of life, it undoubtedly prevented the two ſexes from improving the arts of converſation, and giving that poliſh to the expreſſion of their thoughts and ſentiments, which may be expected from their mutual endeavours to render themſelves agreeable to each other. Hence it is, that the Greeks, notwithſtanding their learning and good ſenſe, were remarkably deficient in delicacy and politeneſs of manners; and were ſo little judges of propriety in wit and humour, as to reliſh the low ribaldry of an Ariſtophanes, at a period when they were entertained with the ſublime eloquence of a Demoſthenes, and with the pathetic compoſitions of a Sophocles and an Euripides.

The military character, conſidered with reſpect to politeneſs in antient Greece, and compared with the ſame character in modern times, ſeems to afford a good illuſtration of what has been obſerved. Soldiers, as they are men of the world, have uſually thoſe manners which are formed by company and converſation. In antient Greece they were no leſs remarkable for ruſticity and ill-manners,

than

than in the modern nations of Europe they are diſtinguiſhed by their politeneſs and good-breeding; for Menander the comic poet ſays, that he can hardly conceive ſuch a character as that of a polite ſoldier to be formed even by the power of the Deity *.

As the ſervile condition of the women, in rude times, ſubjects them to conſtant labour and drudgery, they cannot fail to acquire ſuch habits as fit them for the exerciſe of their employment; and therefore, when a ſpirit of improvement is afterwards introduced into a country, they ſeem naturally qualified to ſurpaſs the other ſex by their ſuperior proficiency in many of thoſe arts and manufactures which become then the objects of attention. This will perhaps enable us to account for a ſingular fact which is mentioned in the hiſtory of the antient Egyptians, that the women were accuſtomed to do all the buſineſs without doors, while the men were content to act in a ſubordinate capacity, to ſpin or weave, and to engage in ſuch inferior occupations as were committed to their management. Among that effeminate people it would ſeem, that after the military

* Menander apud Stobæum.

ſpirit was extinguiſhed by the progreſs of civilized manners, the men were ſunk in a ſtate of indolence, which rendered them in a great meaſure incapable of proſecuting the arts; and the women, who were already accuſtomed to labour, and who had acquired the neceſſary talents for it, were permitted to take the lead in all thoſe employments that were reckoned of importance *.

III. The progreſſive improvements of a country are ſtill accompanied with farther variations in the ſentiments and manners of the inhabitants.

The firſt attention of a people is directed to the acquiſition of the mere neceſſaries of life, and to the exerciſe of thoſe occupations which are moſt immediately requiſite for ſubſiſtence. According as they are ſucceſsful in theſe purſuits, they feel a gradual increaſe of their wants, and are excited with freſh vigour and activity to ſearch for the means of ſupplying them. The advancement of the more uſeful arts is followed by the cultivation of thoſe which are ſubſervient to pleaſure and entertainment. Mankind, in proportion to the progreſs they have made in multiplying the conve-

* See Herodot. book 2.

niencies

niencies of their ſituation, become more refined in their taſte, and luxurious in their manner of living. Exempted from labour, and placed in great affluence, they endeavour to improve their enjoyments, and become addicted to all thoſe amuſements and diverſions which tend to occupy their minds, and to relieve them from languor and wearineſs, the effects of idleneſs and diſſipation. The pleaſures which nature hath ingrafted upon the love between the ſexes, become the ſource of an elegant correſpondence, and have a general influence upon the commerce of ſociety. The fair ſex are more univerſally admired and courted upon account of the agreeable qualities which they poſſeſs, and upon account of the amuſement which their converſation affords. They are encouraged to quit that retirement which was formerly eſteemed ſo ſuitable to their character, to enlarge the ſphere of their acquaintance, and to appear in mixed company, and in public meetings of pleaſure. They lay aſide the ſpindle and the diſtaff, and engage in other employments more agreeable to the faſhion. As they are introduced more into public life, they are led to cultivate thoſe talents which are adapted to the intercourſe of the world; and to diſtinguiſh themſelves by all thoſe polite accompliſhments which tend to heighten

heighten their perſonal attractions, and to excite thoſe peculiar ſentiments and paſſions of which they are the natural objects.

Theſe improvements in the ſtate and accompliſhments of the fair ſex, might be illuſtrated from a view of the manners in the different nations of Europe. They have been carried to the greateſt height in France, and in ſome parts of Italy, where the fine arts have received the higheſt cultivation, and where a taſte for refined and elegant amuſement has been generally diffuſed. The ſame improvements have made their way into England and Germany; though the attention of the people to the more neceſſary and uſeful arts, and their ſlow advancement in thoſe which are ſubſervient to entertainment, has, in theſe countries, prevented the intercourſe of the ſexes from being equally extended. Even in Spain, where, from the defects of adminiſtration, or from whatever cauſes, the arts have for a long time been almoſt entirely neglected, the ſame effects of civilization are at length beginning to appear, by the admiſſion of the women to the ſame freedom which they have in the other countries of Europe.

Thus

Thus we may obſerve, that in refined and poliſhed nations there is the ſame free communication between the ſexes as in the ages of rudeneſs and barbariſm. In the former the women enjoy the moſt unbounded liberty, becauſe it is regarded as of no conſequence how they ſhall make uſe of it. In the latter they are entitled to the ſame freedom, upon account of thoſe agreeable qualities of which they are poſſeſſed, and the rank and dignity which they hold as members of ſociety.

It would ſeem, however, that there are certain limits beyond which it is impoſſible to puſh the improvements ariſing from wealth and opulence. The love of pleaſure, when carried to exceſs, is apt to weaken and deſtroy thoſe paſſions which it endeavours to gratify; and in opulent and luxurious nations, the free intercourſe of the ſexes gives riſe to licentious and diſſolute manners, inconſiſtent with the good order, and with the more important intereſts of ſociety.

The voluptuouſneſs of the eaſtern nations, whether ariſing from the effect of their climate, or from the facility with which they are able to procure ſubſiſtence, has introduced the practice of polygamy,

by

by which the women are again reduced into a ſtate of ſlavery and confinement; and a great proportion of the inhabitants are employed in ſuch offices as render them incapable of contributing either to the population or the uſeful improvements of the country*.

Among the Romans during the later ages, and in ſome of the modern nations of Europe, where the influence of antient uſage, or of the eſtabliſhed religion, has prevented theſe abuſes, the exceſſes of luxury have been productive of diſorders almoſt equally pernicious; and inſtead of introducing polygamy have carried the common proſtitution of the women to a height which is not more favourable to the multiplication of the ſpecies, and which has rendered a conſiderable part of the one ſex ſo corrupt and profligate, as to ſink them almoſt below the compaſſion of the other.

* What is here ſaid with reſpect to polygamy applies only to that inſtitution as it takes place among opulent and luxurious nations; for in barbarous countries, where it is introduced in a great meaſure from motives of conveniency, and where it is accompanied with little or no jealouſy, it cannot have the ſame conſequences.

CHAP. II.

Of the juriſdiction and authority of a father over his children.

THE juriſdiction and authority which in early times a father exerciſed over children was of the ſame nature, and depended upon the ſame principles, with that of a huſband over his wife. Before the inſtitution of regular government and laws, the ſtrong are permitted with impunity to oppreſs the weak; and among a people who have given no attention to cultivate and civilize their manners, every one is diſpoſed to uſe with ſeverity that power which he happens to poſſeſs, and to behave in a tyrannical manner to thoſe whom fortune has ſubjected to his dominion.

After marriage has been completely eſtabliſhed in a community, the huſband, as has been formerly obſerved, becomes the head and governor of his family, and aſſumes the chief direction and diſpoſal of all its members. As he has the burden of their ſupport and protection, ſo he naturally claims the management of whatever they have acquired, and the adminiſtration of all their important concerns. In

the care and education of his children, he is under no other limitation or reſtraint, than what ariſes from his natural affection; a ſentiment which, in the breaſt of a ſavage, is often ſmothered by the calamities to which he is expoſed, and counteracted by the natural ferocity of his temper. He is often capable of diveſting himſelf ſo far of the heart of a parent, as, when he finds it inconvenient to maintain his offspring, to abandon them entirely, and ſuffer them to periſh with hunger, or be devoured by wild beaſts. If he does take the trouble of rearing his children, it cannot be expected that he will treat them with much tenderneſs or humanity. He looks upon them merely as his ſervants, and thinks that he is entitled to employ their labour in the manner which is moſt beneficial to himſelf. He obliges them to ſubmit to all the mean and ſervile kinds of work which they are able to perform, and diſcovers no concern or uneaſineſs on account of the toil or hardſhips to which they are ſubjected.

If an opportunity ſhould offer of making a profitable bargain by ſelling his children for ſlaves, it is likely that he will ſometimes be tempted to embrace it; and that the misfortunes which they ſuffer, from a tranſaction of that nature, will appear of little

little importance, when put in oppoſition to his intereſt. As the reſentment of a ſavage is eaſily kindled, and raiſed to an exceſſive pitch; as he behaves like a ſovereign in his own family, where he has never been accuſtomed to bear oppoſition or controul, we need not wonder that, when provoked by unuſual diſreſpect or contradiction, he ſhould, upon ſome occaſions, be rouſed and hurried on, in a ſudden tranſport of paſſion, to commit the moſt unnatural and barbarous of all actions, the murder of his own child.

The children, in their early years, are under the neceſſity of ſubmitting to the ſevere and arbitrary will of their father. From their inferiority in ſtrength, they are in no condition to diſpute his authority. They are incapable of maintaining themſelves, and depend entirely upon him for ſubſiſtence. To him they muſt fly for ſuccour and protection, whenever they are expoſed to danger, or threatened with injuſtice; and as they derive from him all the different gratifications which they are permitted to enjoy, they have every inducement to court his favour, and to avoid his diſpleaſure.

The reſpect and reverence which is paid to the father, upon account of his wiſdom and experience, is another circumſtance that contributes to ſupport his power and authority.

Among ſavages, who are ſtrangers to the art of writing, and who have ſcarcely any method of recording facts, the experience and obſervation of each individual are almoſt the only means of procuring knowledge; and the only perſons who can attain a ſuperior degree of wiſdom and ſagacity are thoſe who have lived to a conſiderable age.

We may further obſerve, that among rude and ignorant people, a ſuperiority in knowledge and wiſdom is the ſource of great honour and diſtinction. The man who underſtands any operation of nature which is unknown to the vulgar, is beheld with ſuperſtitious awe and veneration. As they cannot penetrate into the ways by which he hath procured his information, they are diſpoſed to magnify his extraordinary endowments, and to feel an unbounded admiration of that ſkill and learning which they are unable to comprehend. They ſuppoſe that nothing is beyond the compaſs of his abilities, and apply to him for counſel and direction

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in every new and difficult emergency. They are apt even to imagine that he holds commerce with inviſible beings, and to believe that he is capable of ſeeing into futurity, and of altering the courſe of human events by the wonderful power of his art. Thus, in the dark ages, a ſlight acquaintance with the heavenly bodies gave riſe to the abſurd pretenſions of judicial aſtrology; and a little knowledge of chemiſtry or medicine was ſuppoſed to reveal the invaluable ſecret of rendering ourſelves immortal.

As in all barbarous countries old men are diſtinguiſhed by their great experience and wiſdom, they are upon this account univerſally reſpected, and commonly attain ſuperior influence and authority.

Among the Grecians, at the ſiege of Troy, the man who had lived three ages was treated with uncommon deference, and was their principal adviſer and director in all important deliberations.

"Doſt thou not ſee, O Gaul," ſays Morni in one of the poems of Oſſian, "how the ſteps of my "age are honoured? Morni moves forth, and the

" young meet him with reverence, and turn their " eyes, with ſilent joy, on his courſe*."

The Jewiſh lawgiver, whoſe ſyſtem of laws was in many reſpects accommodated to the circumſtances of an early people, has thought proper to enforce the reſpect due to old age, by making it even the ſubject of a particular precept. " See that thou " riſe up before the hoary head, and honour the " face of the old man †."

" I am young," ſays the ſon of Barachel, " and " ye are very old, wherefore I was afraid, and " durſt not ſhew you mine opinion. I ſaid days " ſhould ſpeak, and multitude of years teach " wiſdom ‡."

When any of the Tartar nations have occaſion to elect a khan or leader, they regard experience and wiſdom more than any other circumſtance; and for that reaſon they commonly prefer the oldeſt perſon of the royal family ‖. It is the ſame circumſtance that, in the infancy of government, has given riſe to a ſenate or council of the elders,

* Lathmon.
† Leviticus, ch. xix. ver. 32.
‡ Job, ch. xxxii.
‖ Hiſtoire generale des voyages.

which is commonly inveſted with the chief direction and management of all public affairs *.

So inſeparably connected are age and authority in early periods, that in the language of rude nations the ſame word which ſignifies an old man is generally employed to denote a ruler or magiſtrate †.

Among the Chineſe, who from their little intercourſe with ſtrangers, are remarkably attached to their antient uſages, the art of writing, notwithſtanding their improvement in manufactures, is ſtill beyond the reach of the vulgar. This people have accordingly preſerved that high admiration of the advantages ariſing from long experience and obſervation, which we commonly meet with in times of ignorance and ſimplicity. Among them, neither birth nor riches, nor honours, nor dignities, can make a man forget that reverence which is due to grey hairs; and we are told that

* This was the caſe among the Jews.—Among the North Americans. See Charlevoix.—Among the antient Romans the elders formed the ſenate, and were called Patres.

† In the language of the Arabs, ſee D'Arvieux trav. Arab. —This alſo is the caſe in the German and moſt of the modern languages of Europe.

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the ſovereign himſelf never fails to reſpect old age, even in perſons of the loweſt condition.

The difference, in this particular, between the manners of a rude and poliſhed nation may be illuſtrated from the following anecdote, concerning two Grecian ſtates, which, in point of what is commonly called refinement, were remarkably diſtinguiſhed from each other.

"It happened, at Athens, during a public re-
"preſentation of ſome play, exhibited in honour of
"the commonwealth, that an old gentleman came
"too late for a place ſuitable to his age and quality.
"Many of the young gentlemen, who obſerved
"the difficulty and confuſion he was in, made ſigns
"to him that they would accommodate him, if he
"came where they ſat. The good man buſtled
"through the croud accordingly; but when he
"came to the ſeats to which he was invited, the
"jeſt was to ſit cloſe, and, as he ſtood out of
"countenance, expoſe him to the whole audience.
"The frolic went round all the Athenian benches.
"But on thoſe occaſions there were alſo particular
"places aſſigned for foreigners; when the good
"man

" man ſkulked toward the boxes appointed for the " Lacedæmonians, that honeſt people, more vir- " tuous than polite, roſe up, all to a man, and with " the greateſt reſpect received him among them. " The Athenians, being ſuddenly touched with a " ſenſe of the Spartan virtue and their own dege- " neracy, gave a thunder of applauſe; and the " old man cried out, The Athenians underſtand " what is good, but the Lacedæmonians practiſe " it*."

We may eaſily imagine that this admiration and reverence, which is excited by wiſdom and knowledge, muſt in a particular manner affect the conduct of children with reſpect to their father. The experience of the father muſt always appear greatly ſuperior to that of his children, and becomes the more remarkable, according as he advances in years, and decays in bodily ſtrength. He is placed

* Notwithſtanding that old men are commonly ſo much reſpected among ſavages, they have been in ſome caſes put to death when ſo far advanced in years as to have loſt the uſe of their faculties. This ſhews, that the eſtimation in which they are held does not proceed from a principle of humanity, but from a regard to the uſeful knowledge they are ſuppoſed to poſſeſs.

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in a ſituation where that experience is conſtantly diſplayed to them, and where, being exerted for their preſervation and welfare, it is regarded in the moſt favourable light. From him they learn thoſe contrivances which they make uſe of in procuring their food, and the various ſtratagems which they put in practice againſt their enemies. By him they are inſtructed in the different branches of their domeſtic œconomy, and are directed what meaſures to purſue in all thoſe difficulties and diſtreſſes in which they may be involved. They hear with wonder the exploits which he hath performed, and the precautions which he hath uſed in former times to avoid the evils with which he was ſurrounded, or the addreſs and dexterity which he hath employed to extricate himſelf from thoſe misfortunes which had befallen him; and, from his obſervation of the paſt, they are enabled to learn uſeful leſſons of prudence, for the regulation of their future conduct and behaviour. If ever they depart from his counſel, and follow their own headſtrong inclination, they are commonly taught by the event to repent of their folly and raſhneſs, and are ſtruck with new admiration of that uncommon penetration and foreſight which he appears to poſſeſs. They look upon him

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as a ſuperior being, and imagine that the gifts of fortune are at his diſpoſal. They dread his curſe, as the cauſe of every misfortune; and they eſteem his bleſſing of more value than the richeſt inheritance.

In the Iliad, when Phenix is ſent on a meſſage to Achilles, he bewails his misfortune in having no children of his own, and imputes it to the curſe of his father, which he had incurred in his youth.

" My ſire with curſes loads my hated head,
" And cries, Ye furies! barren be his bed!
" Infernal Jove, the vengeful fiends below,
" And ruthleſs Proſerpine confirmed his vow *.

" And Eſau ſaid unto his father, Haſt thou but " one bleſſing, my father? Bleſs me, even me " alſo, O! my father. And Eſau lift up his voice " and wept †."

* POPE's tranſlation of the Iliad, book 9. l. 582.

——— ——— Πατὴρ δ' ἐμὸς αὐτίκ' ὀϊσθεὶς
Πολλὰ κατηρᾶτο, συγερὰς δ' ἐπεκέκλετ' Ερινῦς,
Μή ποτε γένασιν οἷσιν ἐφεσσεθαι φίλον υἱὸν
Ἐξ ἐμέθεν γεσαῶτα· θεοὶ δ' ἐτέλειον ἐπαρὰς,
Ζεύς τε καταχθόνιος, καὶ ἐπαινὴ Περσεφόνεια.

† Geneſis, chap. xxvii. ver. 38.

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To theſe obſervations we may add, that the authority of the father is confirmed and rendered more univerſal, by the force and influence of cuſtom.

We naturally retain, after we are old, thoſe habits of reſpect and ſubmiſſion which we received in our youth; and we find it difficult to put ourſelves upon a level with thoſe perſons whom we have long regarded as greatly our ſuperiors. The ſlave, who has been bred up in a low ſituation, does not immediately, upon obtaining his freedom, lay aſide thoſe ſentiments which he has been accuſtomed to feel. He retains for ſome time the idea of his former dependence; and, notwithſtanding the change of his circumſtances, is diſpoſed to continue that reſpect and reverence which he owed to his maſter. We find, that the legiſlature, in ſome countries, has even regarded and enforced theſe natural ſentiments. Among the Romans a freed man was, through the whole of his life, obliged to pay to his patron what was called "obſequium et reverentia;" and which conſiſted in attendance upon him on public occaſions, and in ſhowing him certain marks of honour and diſtinction. If ever he failed in the obſer-

obſervance of theſe duties, he was thought unworthy of his liberty, and was again reduced to be the ſlave of that perſon to whom he had behaved in ſo unbecoming a manner *.

A ſon, who has been accuſtomed from his infancy to ſerve and to obey his father, is in the ſame manner diſpoſed for the future to continue that ſervice and obedience. Even after he is grown up, and has arrived at his full ſtrength of body, and maturity of judgment, he retains the early impreſſions of his youth, and remains in a great meaſure under the yoke of that authority to which he hath hitherto ſubmitted. He ſhrinks at the angry countenance of his father, and trembles at the power of that arm whoſe ſevere diſcipline he has ſo often experienced, and of whoſe valour and dexterity he has ſo often been a witneſs. He thinks it the higheſt preſumption to diſpute the wiſdom and propriety of thoſe commands to which he hath always liſtened, as to an oracle, and which he hath been taught to regard as the infallible rule of his conduct. He is naturally led to acquieſce

* Vide Heineccii antiq. Roman. lib. 9. §. 1. Dig. de op. lib. §. 1. Inſt. de cap. deminut. l. un. Cod. de ingrat. liber.

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in that juriſdiction which he hath ſeen exerted on ſo many different occaſions, and which he finds to be uniformly acknowledged by all the members of the family. In proportion to the ſeverity and rigour with which he is treated, his habits of ſubmiſſion become the ſtronger, and his implicit obedience is eſteemed the more indiſpenſibly neceſſary. He looks upon his father as inveſted by heaven with an unlimited power and authority over all his children; and imagines that, whatever they may ſuffer from his arbitrary conduct, their rebellion againſt him, or reſiſtance to his will, would be the ſame ſpecies of impiety, as to call in queſtion the authority of the Deity, or to quarrel with thoſe ſevere diſpenſations of Providence with which, in the government of the world, he is ſometimes pleaſed to viſit his creatures.

From theſe diſpoſitions, which commonly prevail among the members of his family, the father can have no difficulty to enforce his orders, wherever compulſion may be neceſſary. In order to correct the depravity, or to ſubdue the unruly temper of any ſingle child, he can make uſe of that influence which he poſſeſſes over the reſt, who will regard the unnatural behaviour of their brother with

with horror and deteſtation, and be ready to contribute their aſſiſtance in reducing him to obedience, or in puniſhing his tranſgreſſion.

In the hiſtory of early nations, and even of thoſe which have made ſome advances in refinement, we meet with a great variety of facts to illuſtrate the nature and extent of that juriſdiction and authority which originally belonged to the father, as the head and governor of his family.

We are told by Cæſar, that among the Gauls the father had the power of life and death over his children *; and there is reaſon to believe, that, among the antient German nations, he was inveſted with the ſame unlimited juriſdiction †.

According to the cuſtoms which took place among the early inhabitants of Arabia, it would ſeem, that, in like manner, the father was under no reſtraint in the adminiſtration and government of his family. When the ſons of Jacob propoſed to carry their brother Benjamin along with them into Egypt, and their father diſcovered an unwillingneſs to part with him, "Reuben ſpake unto

* Cæſ. de bell. Gall. lib. 6.

† See Heineccius elem. jur. German.

"his

" his father, ſaying, Slay my two ſons, if I bring " him not to thee: deliver him into my hand, " and I will bring him to thee again *." Moſes appears to have intended that the father ſhould not, in ordinary caſes, be at liberty to take away the life of his children in private, as may be concluded from this particular inſtitution, that a ſtubborn and rebellious ſon ſhould be ſtoned to death before the elders of the city †. It was further enacted by this legiſlator, that a man might ſell his daughter for a ſlave or concubine to thoſe of his own nation, though he was not permitted to diſpoſe of her to a ſtranger.

" If a man ſell his daughter to be a maid-ſer- " vant, ſhe ſhall not go out as the men-ſervants " do.

" If ſhe pleaſe not her maſter, who hath be- " trothed her to himſelf, then ſhall he let her be " redeemed: to ſell her to a ſtrange nation he ſhall " have no power, ſeeing he hath dealt deceitfully " with her ‡."

* Geneſis, ch. xlii. ver. 37. † Deuter. chap. xxi. ver. 18.
‡ Exodus, chap. xxi. ver. 7.

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In the empire of Ruſſia, the paternal juriſdiction was formerly underſtood to be altogether ſupreme and unlimited *. Peter the Great appears to have been ſo little aware that the cuſtoms of his own country might differ from thoſe of other nations, that in his public declaration to his clergy, and to the ſtates civil and military, relative to the trial of his ſon, he appeals to all the world; and affirms, that, according to all laws, human and divine, and, above all, according to thoſe of Ruſſia, a father, even among private perſons, has a full and abſolute right to judge his children, without appeal, and without taking the advice of any perſon whatever †.

Among the Tartars, nothing can exceed the reſpect and reverence which the children uſually pay to their father. They look upon him as the ſovereign lord and maſter of his family, and conſider it as their duty to ſerve him upon all occaſions. In thoſe parts of Tartary which have any intercourſe with the great nations of Aſia, it is alſo common for the father to ſell his children of both ſexes; and from thence the women and

* Sigon. de antiq. jur. civ. Roman. lib. 1. cap. 10.

† See Preſent State of Ruſſia, publiſhed 1722.

eunuchs,

eunuchs, in the harams and ſeraglios belonging to men of wealth and diſtinction in thoſe countries, are ſaid to be frequently procured *.

Upon the coaſt of Africa, the power of the father is carried to the moſt exceſſive pitch, and exerciſed with the utmoſt ſeverity. It is too well known to be denied, that, in order to ſupply the European market, he often diſpoſes of his own children for ſlaves; and that the chief part of a man's wealth is ſuppoſed to conſiſt in the number of his deſcendants. Upon the ſlave coaſt, the children are accuſtomed to throw themſelves upon their knees, as often as they come into the preſence of their father †.

The following account, which is given by Commodore Byron, may ſerve in ſome meaſure to ſhow the ſpirit with which the ſavages of South America are apt to govern the members of their family.

"Here," ſays he, "I muſt relate a little anec-
"dote of our Chriſtian Cacique. He and his wife

* Hiſtoire generale des voyages, tom. 9.—Chardin. tom. 1.
† Ibid. tom. 5. liv. 10. chap. 3.

had

" had gone off, at ſome diſtance from the ſhore,
" in their canoe, when ſhe dived for ſea-
" eggs; but not meeting with great ſucceſs, they
" returned a good deal out of humour. A little
" boy of theirs about three years old, whom they
" appeared to be doatingly fond of, watching for
" his father and mother's return, ran into the ſurf
" to meet them: the father handed a baſket of ſea-
" eggs to the child, which being too heavy for him
" to carry, he let it fall; upon which the father
" jumped out of the canoe, and catching the boy
" up in his arms, daſhed him with the utmoſt
" violence againſt the ſtones. The poor little crea-
" ture lay motionleſs and bleeding, and in that con-
" dition was taken up by the mother, but died ſoon
" after. She appeared inconſolable for ſome time;
" but the brute his father ſhowed little concern
" about it *."

The expoſition of infants, ſo common among a great part of the nations of antiquity, was a conſequence of this arbitrary power with which the father was inveſted. As he was at liberty to treat his

* Narrative of the honourable John Byron.

children according to his will, ſo he was under no neceſſity of taking the burden of their maintenance. How ſhocking ſoever and barbarous this cuſtom may appear to us, it obtained univerſally among the ſtates of Greece, and was never aboliſhed even by ſuch of them as were moſt diſtinguiſhed for their learning and politeneſs*.

According to the laws and cuſtoms of the Romans, the father had antiently an unlimited power of putting his children to death, and of ſelling them for ſlaves. While they remained in his family, they were incapable of having any eſtate of their own, and whatever they acquired, either by their own induſtry, or by the donations of others, became immediately the property of their father. Though with reſpect to every other perſon they were regarded as free, yet with reſpect to their father they were conſidered as in a ſtate of abſolute ſlavery and ſubjection; and they could enter into no contract,

* Ælian mentions the Thebans alone as having made a law forbidding the expoſition of infants under a capital puniſhment, and ordaining, that if the parents were indigent, their children, upon application to the magiſtrate, ſhould be maintained and brought up as ſlaves. Ælian. var. hiſt. lib. 2. cap. 7.

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nor tranſact any deed of importance without his approbation and conſent *.

In one reſpect, the power of a father over his ſons appears, among the antient Romans, to have extended even farther than that of a maſter over his ſlaves. If upon any occaſion a ſon had been ſold by his father, and had afterwards obtained his freedom from the purchaſer, he did not thereby ariſe to a ſtate of independence, but was again reduced under the paternal dominion. The ſame conſequence followed, if he had been ſold and manumitted a ſecond time; and it was only after a third purchaſe, that the power of his father was altogether diſſolved, and that he was permitted to enjoy any

* Dion. Halicar. lib. 11. l. 11. Dig. de lib. et poſtum. § 3. Inſt. per quas. perſ. cuiq. adquir. l. ult. Cod. de impub. et al. ſubſt. l. 4. Dig. de judic. § 6. Inſt. de inut. ſtip.

Upon the ſame principle a father might claim his ſon from any perſon by the ordinary action upon property, lib. 1. § 2. Dig. de rei vind. If a ſon had been ſtolen from his father, the "actio "furti" was given againſt the thief, lib. 14. § 13. l. 38. Dig. de furt. When children were ſold by the father, the form of conveyance was the ſame which was uſed in the transference of that valuable property which was called "res mancipi." Cai. Inſt. I. 6. 3.

real and permanent advantage from the bounty of his maſter.

This peculiarity is ſaid to have been derived from a ſtatute of Romulus, adopted into the laws of the twelve tables, and affords a ſufficient proof that the Romans had antiently no idea of a child living in the family, without being conſidered as the ſlave of his father *.

In thoſe early ages, when this practice was firſt introduced, the Roman ſtate was compoſed of a few clans, or families of barbarians, the members of which had uſually a ſtrong attachment to each other, and were at variance with moſt of their neighbours. When a ſon therefore had been baniſhed from his family by the avarice of his father, we may ſuppoſe that, as ſoon as he was at liberty, he would not think of remaining in a foreign clan, or of ſubmitting to the hardſhips of procuring his food in a ſtate of ſolitude, but that he would rather

* This ſtatute, which was afterwards transferred into the twelve tables, is thus handed down to us: "Eſto liberis juſtis "jus vitæ, necis venumdandique poteſtas ei eſto. Si pater "filium ter venumduit, filius à patre liber eſto." Ulp. frag. "10. 1.

chuſe

chuſe to return to his own kindred, and again ſubmit to that juriſdiction, which was more uſeful from the protection it afforded, than painful from the ſervice and obedience which it required.

It is probable, however, that if in this manner a child had been frequently ſeparated from the company of his relations, he would at length grow weary of returning to a family in which he was the object of ſo little affection, and in which he was treated with ſo much contempt. But how long he would be diſpoſed to maintain his former connections, and how often he would be willing, in ſuch a caſe, to reſtore that property which his father had abandoned, ſeems, from the nature of the thing, impoſſible to aſcertain. This was determined by a poſitive ſtatute; the authority of which appears to have had the effect of retaining the antient uſage longer than could have been expected from the later and more improved circumſtances of the Roman people.

Such was the power which, in early times, appears to have been uniformly poſſeſſed by the head of a family. But the progreſs of a people in civilization and refinement has a natural tendency to limit

limit and reſtrain this primitive juriſdiction. When different families are united in a larger ſociety, the ſeveral members of which have an intimate correſpondence with each other, it may be expected that this important branch of domeſtic government will begin to excite the attention of the public. The near relations of a family, who have a concern for the welfare of the children, and who have an opportunity of obſerving the manner in which they are treated, will naturally interpoſe by their good offices, and endeavour to ſcreen them from injuſtice and oppreſſion. The abuſes which are committed in particular caſes, and which are known and repreſented with all their aggravating circumſtances, will excite indignation and reſentment, and will at length give riſe to ſuch regulations as are neceſſary for preventing the like diſorders for the future.

The improvements in the ſtate of ſociety, which are the effects of opulence and refinement, will at the ſame time diſpoſe the father to behave with greater mildneſs and moderation in the exerciſe of his authority. As he lives in greater affluence and ſecurity, he is more at leiſure to exert the ſocial affections, and to cultivate thoſe arts which tend

to ſoften and humanize the temper. Being often engaged in the buſineſs and converſation of the world, and finding, in many caſes, the neceſſity of conforming to the humours of thoſe with whom he converſes, he becomes leſs impatient of contradiction, and leſs apt to give way to the irregular ſallies of paſſion. Being leſs occupied with the care of his own preſervation, he enters with more delicate ſenſibility into the feelings of others, and beholds their diſtreſſes and ſufferings with greater ſorrow and commiſeration. He is more under the influence of that parental fondneſs which prompts him to ſubmit to all the trouble that may be requiſite in providing for his family, which leads him to bear with the frowardneſs, the folly, and imprudence of his children, and to treat them, on all ordinary occaſions, with the utmoſt complacency and indulgence.

On the other hand, the advancement of arts and manufactures will contribute to undermine and weaken his power, and even during his life-time, to raiſe the members of his family to a ſtate of freedom and independence.

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In thoſe rude and ſimple periods, when men are chiefly employed in hunting and fiſhing, in paſturing cattle, or in cultivating the ground, the children are commonly brought up in the houſe of their father; and continuing in his family as long as he lives, they have no occaſion to acquire any ſeparate property, but depend entirely for ſubſiſtence upon that hereditary eſtate, of which he is the ſole diſpoſer and manager. Their ſituation, however, in this as well as in many other reſpects, is greatly altered by the introduction of commerce and manufactures. In a commercial country, a great part of the inhabitants are employed in ſuch a manner as tends to diſperſe the members of a family, and often requires that they ſhould live at a diſtance from each other.

The children, in their early youth, are obliged to leave their home, in order to be inſtructed in thoſe trades and profeſſions by which it is propoſed they ſhould earn a livelihood, and afterwards to ſettle in thoſe parts of the country which they find convenient for proſecuting their ſeveral employments. In conſequence of this, they are withdrawn, and in a great meaſure emancipated from their father's authority. They are now in a condition to

procure

procure a maintenance without having recourſe to his bounty, and by their own labour and induſtry are ſometimes advanced to great wealth and opulence. They live in ſeparate families of their own, of which it is requiſite they ſhould have the entire direction; and being placed at ſuch a diſtance from their father, that he has no longer an opportunity of obſerving and controuling their behaviour, it is to be expected that their former habits will gradually be laid aſide and forgotten.

When we examine the laws and cuſtoms of poliſhed nations, we are confirmed in the truth of the foregoing remarks, and have reaſon to conclude, that, in moſt countries, the paternal juriſdiction has been reduced within narrower bounds, in proportion to the improvements of ſociety.

The Romans, who for ſeveral centuries were conſtantly employed in war, and for that reaſon gave little attention to the arts of peace, diſcovered more attachment to their barbarous uſages than perhaps any other nation which aroſe to conſiderable wealth and ſplendor; and their antient practice, with reſpect to the power of the father, was even permitted to remain in the moſt flouriſhing periods

of

of their government. The innovations in this particular which they afterwards made, as they occurred in times of light and knowledge, are recorded with ſome degree of accuracy, and may deſerve to be particularly conſidered, as they mark the progreſs of a great people in a branch of policy of the utmoſt conſequence to ſociety.

In the hiſtory of this people, the firſt regulations which we meet with in favour of the children, were intended to beſtow upon them a privilege of acquiring property, independent of their father. During the free government of Rome, as war was the chief employment in which a Roman citizen thought proper to engage, and by which he had any opportunity of gaining a fortune, it appeared highly reaſonable, that when he hazarded his perſon in the ſervice of his country, he ſhould be allowed to reap the fruit of his labour, and be entitled to the full enjoyment of whatever he had acquired. With this view, it was enacted by Julius and Auguſtus Cæſar, that whatever might be gained by a ſon, in the military profeſſion, ſhould be conſidered as his own eſtate, and that he ſhould be at liberty to diſpoſe of it at pleaſure*.

* It was called "peculium caſtrenſe."

Some

Some time after, when the practice of the law had alſo become a lucrative profeſſion, it was further eſtabliſhed, that whatever a ſon acquired in the exerciſe of this employment ſhould in like manner become his own property, and ſhould in no reſpect belong to the father*.

In later times, when no employment was conſidered as too mean for the ſubjects of the Roman empire, the ſon became proprietor of what he could procure by the practice of the mechanical arts, and of what he obtained by the donation of any perſon whatever, though the "uſufruct," or life-rent of thoſe acquiſitions, was, in ordinary caſes, beſtowed upon the father†.

It is uncertain at what time the Romans firſt began to limit the father in the power of ſelling his children for ſlaves. It appears, that before the reign of the emperor Dioclefian this privilege was entirely aboliſhed, except in one ſingular caſe, in which it was permitted to remain to the lateſt pe-

* Peculium quaſi caſtrenſe.

† This was called "peculium adventitium," vid. l. 1. Dig. de bon. mal. l. 2. eod. l. 1. l. 4. l. 5. C. de bon. quæ liber. l. 6. eod.

riods

riods of the empire. To prevent the expoſition of infants, the father, if he happened to be in indigent circumſtances, was permitted to ſell his newborn children, who, at any time after, might be redeemed from the purchaſer, by reſtoring the price which he had given*.

The power of life and death over the children appears to have been firſt ſubjected to any limitation in the reign of Trajan, and of Hadrian his ſucceſſor, who interpoſed, in ſome particular caſes, to puniſh the father when he had been guilty of any wanton exerciſe of his authority. In the time of the emperor Severus, the father was not allowed to put his children to death in private; but, when they committed a crime of an atrocious nature, was encouraged to accuſe them before a magiſtrate, to whom he was impowered, in that caſe, to preſcribe the particular puniſhment which he choſe to have inflicted. At length this part of his juriſdiction was finally aboliſhed by the Emperor Conſtantine, who ordained that a father who took away the life of his

* L. 1. C. de pat. qui fil. diſtrax. l. 2. cod.

child

child ſhould ſuffer the ſame puniſhment with thoſe who were guilty of parricide *.

Theſe were the principal ſteps by which the Romans endeavoured to correct this remarkable part of their antient juriſprudence. It was natural to begin with the reformation of thoſe particulars in which the greateſt abuſes were committed, and from thence to proceed to others, which, however abſurd in appearance, were leſs ſeverely felt, and were leſs productive of diſorder and oppreſſion. It would ſeldom happen that a father, though permitted by law, would be ſo hardened to the feel-

* L. 3. C. de patr. poteſt. l. un. C. de his qui parent.

It has been ſuppoſed by ſome authors, that the power of expoſing infants was ſooner reſtrained than that of putting to death the children who had grown up in the family; becauſe a father was much more likely to abuſe his power in the former caſe than in the latter. It is believed that Romulus prohibited the expoſition of male infants, and of the eldeſt female, unleſs they were judged to be monſtrous, by two of the neighbours, called to determine the point. This regulation was adopted into the laws of the twelve tables; though it was ſaid to have been ineffectual: ſo that nothing was more common, under the emperors, than the expoſition of new-born children of either ſex. See the treatiſe of Noodt, intitled, Julius Paulus, and that of Binckerſhock, De jure occidendi liberos.

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ings of humanity and natural affection, as to be capable of embruing his hands in the blood of his offspring; and accordingly no more than three or four inſtances of that nature are mentioned in the whole Roman hiſtory. He might be oftener reconciled to the leſs barbarous meaſure of ſelling his children, and of reaping a certain profit at the expence of their freedom. But the part of his prerogative which he would probably exert in the moſt arbitrary manner, would be that which related to the maintainance of his family, and the management of that property which had been procured by their induſtry and labour. And thus we find, that the interpoſitions of the Roman legiſlature were directed firſt to ſecure the property, afterwards the liberty, and laſt of all the life and perſonal ſafety of the children.*.

We may obſerve, in general, that wherever polygamy is eſtabliſhed, as the affection of the father towards his children is thereby diminiſhed, his power over them is exerciſed with greater ſeverity, and is therefore more apt to remain in its full force, notwithſtanding the advancement of the people in civilization and refinement. We are informed by Ariſ-

* Vid. l. ult. Cod. de pat. poteſt.

totle

totle, that among the Perſians, in his time, the power of a father over his children was in every reſpect as abſolute as that of a maſter over his ſlaves*.

In the empire of China, the ſame circumſtance, together with that noted averſion which the people diſcover to every ſort of innovation, has alſo enabled the father to maintain a great part of his original juriſdiction†. The father is ſaid to have there the privilege of ſelling his children whenever he thinks proper; but if he intends to put them to death, it is neceſſary that he ſhould bring them before a magiſtrate, and publicly accuſe them. At the ſame time, whatever be the crime of which they are accuſed, they are held to be guilty, without any other proof than the bare aſſertion of the father‡.

The cuſtom of expoſing infants was not reſtrained in China till very lately. Father Noel, in

* Ariſtot. Ethic. lib. 6. cap. 10.

† Though in China a man is not allowed to have more wives than one, yet he may have any number of concubines; which, in the point under conſideration, muſt have nearly the ſame effect. Le Compte's memoirs of China.

‡ Pere Le Compte's memoirs of China.

a re-

a relation preſented to the general of the Jeſuits, in 1703, obſerves, that at Pekin a number of children were uſually dropt or expoſed every morning in the ſtreets. "As Pekin is exceſſively populous," continues this pious and catholic father, "and thoſe "who have more children than they can maintain "do not ſcruple to drop them in places of public "reſort, where they either die miſerably, or are de-"voured by beaſts; one of their firſt cares is to ſend, "every morning, catechiſts into the different parts "of that great city, in order to baptiſe ſuch of thoſe "children as are not dead. About twenty or thirty "thouſand children are expoſed yearly, and of theſe "our catechiſts baptize about three thouſand; and "had we twenty or thirty catechiſts, few of the "children in queſtion would die unbaptized *."

In thoſe European nations which have made the greateſt improvements in commerce and manufactures, the higheſt liberty is uſually enjoyed by the members of every family. The children are no farther ſubjected to the father than ſeems neceſſary for their own advantage. They have the full enjoy-

* Travels of the Jeſuits, compiled from their letters, tranſlated by Lockman, vol. 1. p. 448.

ment

ment and diſpoſal of any ſeparate property which they happen to acquire, and, even during their father's life, they ſometimes obtain for their maintainance a fixed proviſion out of the family eſtate.

It can hardly be doubted that theſe regulations, which tend to moderate the exceſſive and arbitrary power aſſumed by the head of a family, are ſupported by every conſideration of juſtice and utility. The opinion of Sir Robert Filmer, who founds the doctrine of paſſive obedience to a monarch upon the unlimited ſubmiſſion which children owe to their father, ſeems, at this day, unworthy of the ſerious refutation which it has met with, and could only have gained reputation when men were juſt beginning to reflect upon the firſt principles of government. To ſay that a king ought to enjoy abſolute power becauſe a father has enjoyed it, is to defend one ſyſtem of oppreſſion by the example of another.

The intereſt of thoſe who are governed is the chief circumſtance which ought to regulate the powers committed to a father, as well as thoſe committed to a civil magiſtrate; and whenever the prerogative, either of the one or of the other,

is further extended than is requiſite for this great end, it immediately degenerates into uſurpation, and is to be regarded as a violation of the natural rights and liberties of mankind.

At the ſame time it appears, that the tendency of a commercial age is rather towards the oppoſite extreme, and may poſſibly raiſe the members of a family to greater independence than is conſiſtent with good order, and with a proper domeſtic ſubordination. As, in every country, the laws enforced by the magiſtrate are in a great meaſure confined to the rules of Juſtice, it is evident that further precautions are neceſſary to guard the morals of the inhabitants; and that for this purpoſe the authority of parents ought to be ſuch, as may enable them to form the manners and direct the education of their children, to reſtrain the irregularities of youth, and to inſtil thoſe principles which will render them uſeful members of ſociety.

CHAP.

CHAP. III.

Of the authority of a chief over the members of a tribe or village.

HAVING conſidered the primitive ſtate of a ſingle family of ſavages, we may now examine the changes which happen in their ſituation, after the death of the father, and the different ſpecies of authority to which they are commonly ſubjected.

When the members of a family become too numerous to be maintained and lodged all in the ſame houſe, ſome of them are under the neceſſity of leaving it, and providing themſelves with a new habitation. The ſons, having arrived at the age of manhood, and being diſpoſed to marry, are led by degrees to have a ſeparate reſidence, where they may live in a more comfortable manner. They build their huts very near one to another, and each of them forms a diſtinct family; of which he aſſumes the direction, and which he endeavours to ſupply with the means of ſubſiſtence. Thus the original ſociety is gradually enlarged into

a village or tribe; and, according as it is placed in circumſtances which favour population, and render its condition proſperous and flouriſhing, it becomes proportionably extenſive, and is ſubdivided into a greater multiplicity of branches.

From the ſituation of this early community it is natural to ſuppoſe, that an uncommon degree of attachment will ſubſiſt between all the different perſons of which it is compoſed. As the ordinary life of a ſavage renders him hardy and robuſt, ſo he is a ſtranger to all thoſe conſiderations of utility, by which, in a poliſhed nation, men are commonly induced to reſtrain their appetites, and to abſtain from violating the poſſeſſions of each other. Different clans or tribes of barbarians are therefore diſpoſed to rob and plunder one another, as often as they have an opportunity of doing it with ſucceſs; and their reciprocal inroads and hoſtilities are the ſource of continual animoſities and quarrels, which are proſecuted with a degree of fury and rancour ſuitable to the temper and diſpoſitions of the people. Thus the members of every ſingle clan are frequently at variance with all their neighbours around them; and are obliged to be conſtantly upon their guard, in order to repel the nu-

merous attacks to which they are expoſed, and to preſerve themſelves from that ſevere and barbarous treatment, which they have reaſon to expect, if they ſhould fall under the power of their enemies. As they are divided from the reſt of the world, ſo they are linked together by a ſenſe of their common danger, and by a regard to their common intereſt. They are united in all their paſtimes and amuſements, as well as in their ſerious occupations; and when they go out upon a military enterprize, they are no leſs prompted to ſhow their friendſhip for each other, than to gratify their common paſſions of enmity and reſentment. As they have been brought up together from their infancy, and have no intercourſe with thoſe of a different community, their affections are raiſed to a greater height, in proportion to the narrowneſs of that circle to which they are confined. As the uniformity of their life ſupplies them with few occurrences, and as they have no opportunity of acquiring any great variety of knowledge, their thoughts are the more fixed upon thoſe particular objects which have once excited their attention, they retain more ſteadily whatever impreſſions they have received, and become the more devoted

to thoſe entertainments and practices with which they have been familiarly acquainted.

Hence it is, that a ſavage is never without difficulty prevailed upon to abandon his family and friends, and to relinquiſh the ſight of thoſe objects to which he has been long familiar. To be baniſhed from them is reckoned the greateſt of all misfortunes. His cottage, his fields, the faces and converſation of his kindred and companions, inceſſantly recur to his memory, and prevent him from reliſhing any ſituation where theſe are wanting. He clings to thoſe well-known objects, and dwells upon all thoſe favourite enjoyments which he has loſt. The poorer the country in which he has lived, the more wretched the manner of life to which he has been accuſtomed, the loſs of it appears to him the more inſupportable. That very poverty and wretchedneſs, which contracted the ſphere of his amuſements, is the chief circumſtance that increaſeth his attachment to thoſe few gratifications which it afforded, and renders him the more a ſlave to thoſe particular habits which he hath acquired. Not all the allurements of European luxury could bribe a Hottentot to reſign that coarſe manner of life which was become habi-

tual

tual to him; and we may remark, that the "ma-"ladie du païs," which has been ſuppoſed peculiar to the inhabitants of Switzerland, is more or leſs felt by the inhabitants of all countries, according as they approach nearer to the ages of rudeneſs and ſimplicity *.

As thoſe clans or villages, which inhabit the more uncultivated parts of the earth, are almoſt continually at war with their neighbours, and are

* Mr. Kolben relates, that one of the Dutch governors at the Cape of Good Hope brought up an Hottentot according to the faſhions and cuſtoms of the Europeans, teaching him ſeveral languages, and inſtructing him fully in the principles of the Chriſtian religion, at the ſame time cloathing him handſomely, and treating him in all reſpects as a perſon for whom he had an high eſteem, and whom he deſigned for ſome beneficial and honourable employment. The governor afterwards ſent him to Batavia, where he was employed under the commiſſary for ſome time, till that gentleman died; and then he returned to the Cape of Good Hope. But having paid a viſit to the Hottentots of his acquaintaince, he threw off all his fine cloaths, boundled them up, laid them at the governor's feet, and deſired he might be allowed to renounce his Chriſtianity, and to live and die in the religion and cuſtoms of his anceſtors; only requeſting that he might be permitted to keep the hanger and collar which he wore, in token of his regard to his benefactor. While the governor was deliberating upon this, ſcarce believing the fellow to be in earneſt, the young Hottentot took the opportunity of run-

obliged to be always in a poſture of defence, ſo they have conſtant occaſion for a leader to conduct them in the various military enterprizes in which they are engaged.

It may be remarked, that wherever a number of people meet together in order to execute any meaſures of common concern, it is convenient that ſome perſon ſhould be appointed to direct their proceedings, and prevent them from running into confuſion. It is accordingly a general regulation, which appears to be uniformly adopted in all countries, that every public aſſembly ſhould have a preſident, inveſted with ſuch a degree of authority as is ſuitable to the nature of the buſineſs committed to their care. But in no caſe is a regulation of this kind ſo neceſſary, as in the conduct of a military expedition. There is no ſituation in which a body of men are ſo apt to run into diſorder, as in war; where it is impoſſible that they ſhould co-operate,

running away, and never afterwards came near the Cape, thinking himſelf happy that he had exchanged his European dreſs for a ſheepſkin, and that he had abandoned the hopes of preferment for the ſociety of his relations and countrymen.

The Engliſh Eaſt India company made the like experiment upon two young Hottentots, but with no better ſucceſs.

and

and preſerve the leaſt regularity, unleſs they are united under a ſingle perſon, who is impowered to direct their movements, and to ſuperintend and controul their ſeveral operations.

As the members of a family have been uſually conducted by the father in all their excurſions of moment, they are naturally diſpoſed, even when their ſociety becomes more enlarged, to continue in that courſe of action to which they have been accuſtomed; and, after they are deprived of this common parent, to fall under the guidance of ſome other perſon, who appears next to him in rank, and poſſeſſes the greateſt ſhare of their eſteem and confidence.

Superiority in ſtrength, courage, and other perſonal accompliſhments, is the firſt circumſtance by which any ſingle perſon is raiſed to be the leader of a clan, and by which he is enabled to maintain his authority.

In thoſe rude periods, when men live by hunting and fiſhing, they have no opportunity of acquiring any conſiderable property; and there are no diſtinctions in the rank of individuals, but thoſe which ariſe from their perſonal qualities, either of mind or body. The

The ſtrongeſt man in a village, the man who excels in running, in wreſtling, or in handling thoſe weapons which they make uſe of in war, is poſſeſſed of an evident advantage in every conteſt that occurs, and is thereby exalted to ſuperior dignity. In their games and exerciſes he is generally victorious, and becomes more and more diſtinguiſhed above all his companions. When they go out to battle, he is placed at their head, occupies that ſtation which is held of the greateſt importance. His exploits and feats of activity are viewed with pleaſure and admiration; and he becomes their boaſt and champion in every ſtrife or contention in which they are engaged. The more they have been accuſtomed to follow his banner, they contract a ſtronger attachment to his perſon, and diſcover more readineſs to execute thoſe meaſures which he thinks proper to ſuggeſt. They imagine that his greatneſs reflects honour upon the ſociety to which he belongs, and are diſpoſed to magnify his proweſs with that fond partiality which they entertain in favour of themſelves. According as he advances in reputation, he acquires more weight in their debates, and is treated upon every occaſion with greater reſpect and deference. As

they

they are afraid of incurring his diſpleaſure, ſo are they eager to diſtinguiſh themſelves in his eye, and, by their valour and fidelity, to procure marks of his peculiar approbation and eſteem. "Illum "defendere, tueri, ſua quoque fortia facta gloriæ "ejus aſſignare, præcipuum ſacramentum eſt. "Principes pro victoria pugnant, comites pro "principe *."

Among the natives in ſome parts of the continent of South America, it is cuſtomary, in their military expeditions, to make choice of that perſon for their leader, who is ſuperior to all his companions in bodily ſtrength; and this point is uſually determined according to the burden which he is able to carry †.

* Tacitus de mor. German.

† Nouveaux voyages aux Indes Orientales, tom. 3. Upon the ſame principle, the captain of an expedition is frequently choſen from the number of wounds he has received in battle. Ibid. tom. 1.

Montaigne gives an account of three Weſt Indian ſavages, who came to Roan at the time that Charles the ninth was there. "The king diſcourſed a long time with them. They were "ſhown our manner of living, our pomp, and the ſeveral "beauties of that great city. Some time after, a gentleman "aſked what it was that ſtruck them moſt among the various "objects

But when a people have begun to make improvements in their manner of fighting, they are ſoon led to introduce a variety of ſtratagems, in order to deceive their enemy, and are often no leſs indebted to the art and addreſs which they employ, than to the ſtrength or courage which they have occaſion to exert. Thus, military ſkill and conduct are raiſed to higher degrees of eſtimation; and the experience of a Neſtor, or the cunning of

" objects they had ſeen. They anſwered, Three things. Firſt, " they thought it very ſtrange, that ſo many tall men, wear- " ing beards, armed, and ſtanding round the king (theſe in all " probability were his Swiſs guards) ſhould ſubmit voluntarily " to a child; and that they did not rather chuſe one of theſe " tall men to govern them." Montaigne's eſſays, p. 169. Paris, 1604. 8vo.

It has even been remarked, that all animals which live in herds or flocks are apt to fall under the authority of a ſingle leader of ſuperior ſtrength or courage. Of this a curious inſtance is mentioned by the author of Commodore Anſon's voyage. "The " largeſt ſea-lion," ſays he, " was the maſter of the flock; and, " from the number of females he kept to himſelf, and his driv- " ing off the males, was ſtyled by the ſeamen the baſhaw. As " they are of a very lethargic diſpoſition, and are not eaſily " awakened, it is obſerved, that each herd places ſome of their " males at a diſtance in the manner of centinels, who always " give the alarm whenever any attempt is made either to moleſt " or approach them, by making a loud grunting noiſe like a " hog,

an Ulyſſes, being found more uſeful than the brutal force of an Ajax, is frequently the ſource of greater influence and authority.

This, as has been formerly obſerved, is the foundation of that reſpect and reverence which among early nations is commonly paid to old men. From this cauſe alſo it happens, that the leader of a barbarous tribe is often a perſon advanced in years, who, retaining ſtill his bodily ſtrength, has had time to acquire experience in the art of war, and to obtain a diſtinguiſhed reputation by the atchievements which he hath performed.

The effect of theſe circumſtances, to raiſe and ſupport the authority of a leader or chief, is ſufficiently obvious, and is fully illuſtrated by the hiſtory of all nations, not only the moſt rude and barbarous, but thoſe alſo which are advanced in civilization and refinement.

" hog, or ſnorting like a horſe in full vigour. The males had " often furious battles with each other, chiefly about the fe- " males; and the baſhaw juſt mentioned, who was commonly " ſurrounded by his females, to which no other male dared to " approach, had acquired that diſtinguiſhed pre-eminence by " many bloody conteſts, as was evident from the numerous " ſcars viſible in all parts of his body."

" And

" And the people and princes of Gilead ſaid " one to another, What man is he that will begin " to fight againſt the children of Ammon? He " ſhall be head over all the inhabitants of Gi- " lead.

" Now Jephthah the Gileadite was a mighty " man of valour, and he was the ſon of an harlot, " and Gilead begat Jephthah.

" And Gilead's wife bare him ſons; and his " wife's ſons grew up, and they thruſt out Jeph- " thah, and ſaid unto him, Thou ſhalt not inherit " in our father's houſe; for thou art the ſon of a " ſtrange woman.

" Then Jephthah fled from his brethren, and " dwelt in the land of Tob; and there were ga- " thered vain men to Jephthah, and went out with " him.

" And it came to paſs, in proceſs of time, " that the children of Ammon made war againſt " Iſrael.

" And it was ſo, that when the children of " Ammon made war againſt Iſrael, the elders of " Gilead went to fetch Jephthah out of the land " of Tob.

" And

" And they ſaid unto Jephthah, Come, and be " our captain, that we may fight with the children " of Ammon.

" And Jephthah ſaid unto the elders of Gilead, " Did ye not hate me, and expel me out of my " father's houſe? and why are ye come unto me " now, when ye are in diſtreſs?

" And the elders of Gilead ſaid unto Jephthah, " Therefore we turn again to thee now, that thou " mayeſt go with us, and fight againſt the children " of Ammon, and be our head over all the inha- " bitants of Gilead.

" And Jephthah ſaid unto the elders of Gilead, " If ye bring me home again to fight againſt the " children of Ammon, and the Lord deliver them " before me, ſhall I be your head?

" And the elders of Gilead ſaid unto Jephthah, " The Lord be witneſs between us, if we do not " ſo, according to thy words.

" Then Jephthah went with the elders of Gi- " lead; and the people made him head and " captain

" captain over them: and Jephthah uttered all " his words before the Lord in Mizpeh *."

When Saul was afterwards appointed king over the Jewiſh nation, we find that the prophet Samuel recommends him to the people, merely upon account of his ſuperior ſtature, and the advantages of his perſon.

" And when he ſtood among the people, he " was higher than any of the people from his " ſhoulders and upward.

" And Samuel ſaid to all the people, See ye " him whom the Lord hath choſen, that there is " none like him among all the people? And all " the people ſhouted, and ſaid, God ſave the " king †."

In like manner, when the family of this prince was deprived of the crown, the minds of the people were prepared for that revolution by the opinion which they entertained of the ſuperior valour and military accompliſhments of his ſucceſſor.

* Judges, chap. x. ver. 18. chap. xi. ver. 1, &c.
† 1 Samuel, chap. x. ver. 23, 24.

" And

" And it came to paſs, when David was returned " from the ſlaughter of the Philiſtines, that the " women came out of all the cities of Iſrael, " ſinging and dancing, to meet king Saul, with " tabrets, with joy, and with inſtruments of " muſic.

" And the women anſwered one another as they " played, and ſaid, Saul hath ſlain his thouſands, " and David his ten thouſands *."

After mankind have fallen upon the expedient of taming and paſturing cattle, in order to render their ſituation more comfortable, there ariſes another ſource of influence and authority which was formerly unknown to them. In their herds and flocks they frequently enjoy conſiderable wealth, which is diſtributed in various proportions, according to the induſtry or good fortune of different individuals; and thoſe who are poor become dependent upon the rich, who are capable of relieving their neceſſities, and affording them ſubſiſtence. As the pre-eminence and ſuperior abilities of the chief are naturally exerted in the acquiſition of that

* 1 Samuel, chap. xviii. ver. 6, 7.

wealth which is then introduced, he becomes of conſequence the richeſt man in the ſociety; and his influence is rendered proportionably more extenſive. According to the eſtate which he has accumulated, he is exalted to a higher rank, lives in greater magnificence, and keeps a more numerous train of ſervants and retainers, who depend upon him for their maintenance, and are therefore obliged in all caſes to ſupport his power and dignity *.

The authority derived from wealth, as it is greater than that which ariſes from mere perſonal accompliſhments, ſo it is alſo more ſtable and permanent. Extraordinary endowments either of mind or body, can operate only during the life of the poſſeſſor, and are ſeldom continued for any length of time in the ſame family. But a man uſually tranſmits his fortune to his poſterity, and along with it all the means of creating dependence which he enjoyed. Thus the ſon, who inherits the eſtate of his father, is enabled to maintain an equal rank, while at the ſame time he preſerves all the influence

* The admiration and reſpect derived from the poſſeſſion of ſuperior fortune, is very fully and beautifully illuſtrated by the eloquent and ingenious author of the "Theory of Moral "Sentiments."

acquired

acquired by the former proprietor, augmented and handed down from one generation to another.

Hence that regard to genealogy and deſcent which we often meet with among thoſe who have remained long in a paſtoral ſtate. From the ſimplicity of their manners, they are not apt to ſquander or alienate their poſſeſſions; and the repreſentative of an antient family is naturally diſpoſed to be oſtentatious of a circumſtance which contributes ſo much to increaſe his power and authority*.

For the ſame reaſon the dignity of the chief, which in a former period was frequently elective, is now ſuffered more commonly to paſs from father to ſon by hereditary ſucceſſion. As the chief poſſeſſes the largeſt eſtate, ſo he repreſents the moſt powerful family in the tribe; a family from which all the reſt

* All the Tartars, of whatever country or religion, have an exact knowledge of the tribe from which they are deſcended, and carefully preſerve the remembrance of it from one generation to another. Although the tribes are often divided into many branches, each branch is conſidered as belonging to the ſame tribe. Hiſtoire generale des voyages, tom. 9. liv. 3. chap. 3. p. 33.

are vain of being deſcended, and the ſuperiority of which they have been uniformly accuſtomed to acknowledge. He enjoys not only that rank and conſequence which is derived from his own opulence, but ſeems entitled to the continuance of that reſpect and ſubmiſſion which has been paid to his anceſtors; and it rarely happens that any other perſon, though of ſuperior abilities, is capable of ſupplanting him, or of diverting the courſe of that influence which has flowed ſo long in the ſame channel, and has become ſo irreſiſtible.

The acquiſition of wealth in herds and flocks, which is made by a tribe of ſhepherds, does not immediately give riſe to the idea of property in land. The different families of a tribe are accuſtomed to feed their cattle promiſcuouſly, and have no ſeparate poſſeſſion or enjoyment of the ground which is made uſe of for that purpoſe. Having exhauſted one field of paſture, they proceed to another; and when at length they find it convenient to move their tents, and change the place of their reſidence, it is of no conſequence who ſhall ſucceed them, and occupy the ſpot which they have relinquiſhed.

"Is not the whole land before thee?" ſays Abraham to Lot his kinſman; "Separate thyſelf, I "pray thee, from me: if thou wilt take the left "hand, then I will go to the right; or if thou "depart to the right hand, then I will go to the "left *."

If, during their temporary abode in any one part of the country, they cultivate a ſmall piece of ground, this alſo, like that which is employed in paſture, is naturally poſſeſſed in common. The management of it being conſidered as an extraordinary work, in which it is neceſſary that they ſhould all unite and aſſiſt one another, it is natural to ſuppoſe, that the crop which they have raiſed will belong to the whole ſociety, and will be diſtributed among them according to their various neceſſities.

Among the natives of the iſland of Borneo, it is cuſtomary, in time of harveſt, that every family

* Geneſis, chap. xiii. ver. 9.—The wild Arabs change their reſidence every fortnight, or at moſt every month. D'Arvieux's travels. The ſame wandering life is alſo led by the Tartars: See Profeſſor Gemelin's travels into Siberia, p. 111.

of

of a tribe ſhould reap ſo much grain as is ſufficient for their maintainance; and the remainder is laid up by the public, in eaſe of any future demand *. Similar practices have probably taken place in moſt countries, when the early inhabitants firſt applied themſelves to the cultivation of the earth †.

But the ſettlement of a village in ſome particular place, with a view to the further improvement of agriculture, has a tendency to aboliſh this antient community of goods, and to produce a ſeparate appropriation of land-eſtates. When they have made ſome proficiency in the various branches of huſbandry, they have no longer occaſion to exerciſe them by the joint deliberation and counſel of

* Modern Univerſal Hiſtory, vol. 9.

† Suevorum gens eſt longe maxima et bellicoſiſſima Germanorum omnium. Ii centum pagos habere dicantur: ex quibus quotannis ſingula millia armatorum, bellandi cauſa, ſuis ex finibus educunt. Reliqui domi manent: pro ſe atque illis colunt. Hi rurſus invicem anno poſt in armis ſunt: illi domi remanent. Sic neque agricultura, neque ratio, neque uſus belli intermittitur. Sed privati et ſeparati agri apud eos nihil eſt; neque longius anno remanere uno in loco, incolendi cauſa, licet: neque multum frumento, ſed maximam partem lacte atque pecore vivunt, multumque ſunt in venationibus. Caeſar. de bell. Gall. lib. 4. cap. 1.

the whole ſociety. They grow weary of acting in concert with each other, by which they are ſubjected to continual diſputes concerning the diſtribution and management of their common property; while every one is deſirous of employing his labour for his own advantage, and of having a ſeparate poſſeſſion, which he may enjoy according to his inclination. Thus, by a ſort of tacit agreement, the different families of a village are led to cultivate their lands apart from each other, and are naturally ſuppoſed to have a title to the reſpective produce ariſing from the labour that each of them has beſtowed. The longer any perſon has been accuſtomed to poſſeſs the ſame eſtate, and the greater improvement he has made upon it, his connection with it appears the more firmly eſtabliſhed; and he is at length underſtood to have an excluſive privilege of continuing his poſſeſſion for the future, and of reaping all the fruits which the ſubject is capable of producing.

The additional influence which the captain of a tribe or village is enabled to derive from this change of their circumſtances, may be eaſily imagined. As the land which they cultivate is at firſt poſſeſſed in common by the whole tribe, it falls of courſe

courſe under the management of the chief, who ſuperintends their labour, and aſſumes the privilege of diſtributing the produce among the ſeveral members of the community. When it is afterwards found convenient to ſeparate their poſſeſſions, he alſo regulates the diviſion of their eſtates, and aſſigns to every family ſuch a portion of ground as he thinks ſufficient for their maintenance. He retains for his own uſe an extent of territory proportioned to the rank and dignity which he is obliged to ſupport; and while he allows the other individuals to appropriate the remainder, he ſubjects them to ſuch limitations and conditions as render them ſtill dependent upon him, for the continuance of their poſſeſſion. Thus, by enlarging his domain in proportion to the number of his domeſtics, and by maintaining in ſome meaſure the ſupreme diſpoſal of the landed property, he eſtabliſhes an almoſt unlimited authority over all the members of the community *.

* Among the negroes upon the Gold Coaſt there is no private property in land. Each individual muſt annually obtain the conſent of the chief before he has liberty to cultivate ſo much ground as is neceſſary for his ſubſiſtence. At the ſame time, when any perſon has been allowed by the chief to cultivate a particular ſpot, it would ſeem that he has the excluſive privilege of

The powers and privileges which belong to this early magiſtrate, who is thus exalted to the head of a rude ſociety, are ſuch as might be expected from the nature of his office, and from the circumſtances of the people over whom he is placed.

He is at firſt their leader in war, and has mèrely the direction of their forces during the time of an engagement. But as he advances in authority, his prerogative is gradually extended; and he aſſumes more power in the management of all

of reaping the crop that is produced. This may be conſidered as the firſt ſtep towards an appropriation of land eſtates. See Hiſtoire generale des voyages, tom. 5. liv. 9. chap. 7. §. 5.

In many other parts of the African coaſt, where the land is not fully appropriated by individuals, but remains in the hands of the public, the chief aſſumes in the ſame manner a power of regulating and limiting the portions which are occaſionally cultivated by the members of their reſpective tribes. See Hiſtoire generale des voyages, tom. 4. liv. 7. chap. 13. p. 203.

Among thoſe tribes which inhabit the interior part of Africa, between Sierra Leona and the river Ceſtos, the chief, or king, is underſtood to be proprietor of all the land within his dominions. Each family muſt addreſs themſelves to him or his officers, to petition that a portion of land may be aſſigned for their maintenance; and this requeſt muſt be renewed by the ſon, notwithſtanding that the eſtate has been ſolemnly granted to the father. Modern Univerſal Hiſtory, vol. 17. p. 322.

their

their military concerns. From his peculiar ſituation, he is more immediately led to attend to the defence of the ſociety, to ſuggeſt ſuch precautions as may be neceſſary for that purpoſe, and to point out thoſe enterprizes which he thinks it would be expedient for them to undertake. By degrees they are accuſtomed to follow his opinion, in planning as well as in conducting their ſeveral expeditions. Warmly attached to his perſon, and zealous to ſupport his intereſt, they are diſpoſed to accompany him for his own ſake, and to eſpouſe his quarrel upon every occaſion. To ſerve him in war is eſteemed a duty incumbent upon them, in return for that protection and ſecurity which he affords them; and when the improvement of agriculture gives riſe to the appropriation of land, they are ſuppoſed to acquire their eſtates under the condition of fulfilling this obligation, by appearing in the field whenever he thinks proper to require them.

As the chief is, by his office, engaged in protecting and ſecuring the members of his tribe from the hoſtile attacks of their neighbours, ſo he endeavours to prevent thoſe diſorders and quarrels which may ſometimes ariſe among themſelves,

and

and which tend to weaken and diſturb the ſociety. When a diſpute or controverſy happens among thoſe who belong to different families, he readily interpoſes by his good offices, in order to bring about a reconciliation between the parties; who at the ſame time, if they chuſe to avoid an open rupture, may probably be willing to terminate their difference by referring it to his judgment. In order to render his deciſions effectual he finds it neceſſary, at firſt, to employ perſuaſion and entreaty. When ſuch references have afterwards become more frequent, and when thoſe perſons by whom they are made become more afraid of diſobliging him, he ventures to make uſe of authority; and at length, obtaining a full and complete power of enforcing his ſentences, he is eſtabliſhed as their judge, and inveſted with ſupreme juriſdiction in all caſes, both civil and criminal.

The ſame influence, by which he acquires theſe branches of power, is gradually extended to all the important tranſactions and deeds of the ſociety. According to many of the ſyſtems of religion which have prevailed in the unenlightened parts of the world, mankind have ſuppoſed that the Supreme Being is endowed with paſſions and ſentiments

ments reſembling their own, and view the extraordinary talents and abilities of their leader with that approbation and eſteem which theſe qualities never fail to excite in themſelves. The ſame perſon whom they look upon as the firſt of mortals, is naturally imagined to be the peculiar favourite of Heaven, and is therefore regarded as the moſt capable to intercede in their behalf, to explain the will of the Deity, and to point out the moſt effectual means to avert his anger, or to procure his favour. Thus we find that, in early periods, a chief has frequently been raiſed to be the high-prieſt of his tribe, and to have the principal direction and ſuperintendence of the public worſhip eſtabliſhed in the country*.

* In a very early period of the ſacred hiſtory we read of Melchizedek, who was king of Salem, and prieſt of the moſt high God. Geneſis, chap. xiv. ver 18.

In profane writings, the ſame circumſtance is frequently taken notice of.

" ——Egreſſi veneramur Apollinis urbem.
" Rex Anius, rex idem hominum, Phœbique ſacerdos,
" Vittis et ſacra redimitus tempora lauro,
" Occurrit : veterem Anchiſen adgnoſcit amicum."

Eneid. lib. 3. ver. 80.

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From this principle, when carried to a greater height, men have been diſpoſed to deify a particular hero; to imagine that, in another ſtate of exiſtence, he continues to watch over the intereſt of his people, and poſſeſſes ſuperior power, either to alleviate their misfortunes, or to promote their happineſs and proſperity *.

As, in conducting the affairs of a community, various abuſes in the adminiſtration are apt to be

In Egypt the kings were all conſecrated to the prieſthood. In moſt of the Grecian cities the care of divine worſhip was committed to the chief magiſtrates. At Sparta the kings took upon them the office of prieſts of Jupiter; and every public ſacrifice, for the ſafety of the commonwealth, was offered by them; for it was the common opinion, that their prayers were more acceptable to the gods than thoſe of other men. See Pott. antiq. of Greece, vol. 1. book 2. chap. 3.

Among the Romans, the king appears to have enjoyed the office of "pontifex maximus," and to have had the direction of religious matters. See Roſin. antiq. Rom. In the empire of the Kaliffs, the ſupreme eccleſiaſtical and civil powers were alſo united in the ſame perſon.

* We may remark, that the ſame diſpoſitions which gave riſe to hero-worſhip, have led mankind to regard their princes, while alive, as ſprung from a heavenly original, and even ſometimes to pay them that adoration which is due to the Supreme Being.

It

committed, and as, from the uncertainty of thoſe rules by which the people are governed, many more may be apprehended, it is neceſſary that particular ſtatutes or laws ſhould be enacted, to correct or aſcertain the practice for the future. Even this legiſlative power is apt to be aſſumed by a chief, after his wealth and opulence have become very extenſive, and when the members of his clan are ſo totally dependent upon him, with regard to their property, as to be in no condition to diſpute his commands, or to refuſe obedience to thoſe ordinances which he iſſues at pleaſure, in order to model or eſtabliſh the government of the ſociety.

From theſe obſervations we may form an idea of that conſtitution of government which is na-

It is in conformity to this antient mythology, that Racine puts the following addreſs into the mouth of Phædra.

" Noble et brillant auteur d'une illuſtre famile,
" Toy dont ma mere oſoit ſe vanter d'etre fille,
" Qui peut-être rougis du trouble oú tu me vois,
" Soleil, je te viens voir pour la derniere fois."

Racine's Phædre, act 1. ſcene 3.

The king of Loango is, in ſome meaſure, worſhipped as a god by his ſubjects. They give him the name or title uſually beſtowed upon the Deity; and they addreſs him, for rain or fruitful

turally introduced among the members of a rude tribe or village. Each of the different families, of which it is compoſed, is under the juriſdiction of the father, and the whole community is ſubjected to a chief or leader, who enjoys a degree of influence and authority according to the ſuperior abilities with which he is endowed, or the wealth which he has been enabled to acquire.

The rudeſt form of this government may be diſcovered among the Indians of America. As theſe people ſubſiſt, for the moſt part, by hunting or fiſhing, they have no means of obtaining ſo much wealth as will raiſe any one perſon greatly above his companions. They are divided into ſmall independent villages, in each of which there is a chief, who is their principal leader in war. He bears the name of that particular tribe over which

fruitful ſeaſons, with even greater ſolemnity than other nations do their gods. Modern Univerſal Hiſtory, vol. 16. p. 300, &c.

Among the Hurons and Natchez, the chiefs carry the name of the Sun, from whom they are ſuppoſed to be deſcended, and whom they are underſtood to repreſent upon earth. Journal hiſtorique d'un voyage de l'Amerique, par Charlevoix, let. 30. Nouveaux voyages aux Indes Orientales, tom. 1. p. 42.

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he preſides; and in their public meetings he is known by no other. His authority, though greater in ſome villages than in others, does not appear in any of them to be very conſiderable. If he is never diſobeyed, it is becauſe he knows how to ſet bounds to his commands. Every family has a right to name an aſſiſtant to the chief; and the ſeveral heads of families compoſe an aſſembly, or "council of the elders," which is accuſtomed to deliberate upon all matters of public importance *.

* "L'autorité des chefs s'étend proprement ſur ceux de leur "tribu, qu'ils conſiderent comme leurs enfans.——Leur pouvoir "ne paroît avoir rien d'abſolu, et il ne ſemble pas qu'ils ayent "aucune voye de coaction pour ſe faire obéir en cas de ré-"ſiſtance, on leur obéit cependant, et ils commandent avec "autorité; leur commandement a force de prieres, et l'obeiſ-"ſance qu'on leur rend, paroît entierement libre.——Bien que "les chefs n'ayent aucune marque de diſtinction et de ſuperio-"rité, qu'on ne puiſſe pas le diſtinguer de la foule par les hon-"neurs qu'on devroit leur rendre, à l'exception de quelques cas "particuliers, on ne laiſſe pas d'avoir pour eux un certain re-"ſpect; mais, c'eſt ſurtout dans les affaires publiques que leur "dignité ſe ſoûtient. Les conſeils s' aſſemblent par leurs "ordres; ils ſe tiennent dans leurs cabanes, à moins qu'il n'y "ait une cabane publique, deſtinée uniquement pour les con-"ſeils, et qui eſt comme une maiſon de ville; les affaires ſe "traitent en leur nom; ils préſident à toutes ſortes d'aſſem-

 blees;

Each individual is allowed, in ordinary caſes, to "take up the hatchet," as it is called, or make war upon thoſe who have offended him. Enterprizes of moment, however, are ſeldom undertaken without the concurrence of the aſſembly. Each family has a juriſdiction over its own members. But the members of different families are at liberty to ſettle their differences in what manner they pleaſe; and the chief or council interfere only as mediators, or as arbiters; unleſs upon the commiſſion of thoſe enormous and extraordinary crimes which excite the general indignation, and which, from a ſudden impulſe of reſentment, are inſtantly puniſhed with the utmoſt ſeverity *.

" blees; ils ont une part conſiderable dans les feſtins, et dans " les diſtributions generales.——De peur que les chefs n'uſur- " paſſent une autorité trop grande, et ne ſe rendiſſent trop abſo- " lus, ont les a comme bridés, en leur donnant des adjoints, " qui partagent avec eux la ſouveraineté de la terre, et ſe nom- " ment *Agoianders* comme eux.—— Après les *Agoianders*, vient " le *Sénat*, compoſé des vieillards, ou des anciens, nommés " dans leur langue *Agokſtenha:* le nombre de ces ſénateurs " n'eſt point déterminé: chacun a droit d'entrer au conſeil " pour y donner ſon ſuffrage." P. Lafitau mœurs de ſauvages Ameriquains, 4to. à Paris, 1724. tom. 1. p. 472—475.

* Ibid. tom. 2. p. 167.—" La déciſion des affaires criminelles " apartient immédiatement à ceux de la cabane des coupables,

From the accounts which have been given of the wandering tribes of ſhepherds in different parts of the world, it would ſeem that their government is of the ſame nature, though the power of their leader is further advanced, according to the degrees of

" par rapport aux coupables même, quand quelqu'un d'une " cabane en a tué un autre de la même cabane: comme on " ſuppoſe qu'ils ont droit de vie et de mort les uns ſur les autres, " le village ſemble ne prendre nul interêt au diſordre qui eſt ar- " rivé.—L'affaire change bien de nature, ſi le meurtre a éte com- " mis à l'égard d'une perſonne d'une cabane differente, d'une " autre tribu, d'une autre village, et encore plus d'une nation " étrangere; car alors cette mort funeſte intereſſe tout le pub- " lic; chacun prend fait et cauſe pour le défunt, et contribue " en quelque choſe pour refaire l'eſprit (c'eſt leur expreſſion) " aux parens aigris par la perte qu'ils viennent de faire; tous " s'intereſſent auſſi pour ſauver la vie au criminel, et pour met- " tre les parens de celui-ci à couvert de la vengeance des autres, " qui ne manqueroit pas d'éclater tôt ou tard, ſi on avoit man- " qué à faire la ſatisfaction preſcrite, dans des cas ſemblables, " par leurs loix, et par leurs uſages.—Il eſt des occaſions où le " crime eſt ſi noir, qu'on n'a pas tant d'égard pour garantir le " meurtrier, et où le conſeil, uſant de ſon autorité ſuprême, " prend ſoin d'en ordonner la punition."—Ibid. tom. 1. p. 486, 487. 490. 495.

See alſo the view which is given of the ſtate of government among the Americans, by P. Charlevoix Journal hiſtorique d'un voyage de l'Amerique, let. 13. 18.

wealth

wealth which they enjoy. In proportion to the extent of his herds and flocks, the chief is exalted above all the other members of the tribe, and has more influence in directing their military operations, in eſtabliſhing their forms of judicial procedure, and in regulating the ſeveral branches of their public adminiſtration. Thus the captain or leader of a tribe among the Hottentots, who have made but ſmall progreſs in the paſtoral life, and among the wild Arabs, who have ſeldom acquired conſiderable property, appears to have little more authority than among the ſavages of America. The great riches, on the other hand, which are frequently acquired by thoſe numerous bands of ſhepherds inhabiting the vaſt country of Tartary, have rendered the influence of the chief proportionably extenſive, and have beſtowed upon him an almoſt unlimited power, which commonly remains in the ſame family, and is tranſmitted from father to ſon like a private inheritance*.

* See Kolben's hiſtory of the Cape of Good Hope.—Hiſtoire generale des voyages, 4to. tom. 5, 6. Ibid. tom. 9.—Monteſquieu, Eſprit de loix, liv. 18. chap. 19.

The antient German nations, deſcribed by Cæſar and Tacitus, may be ranked in a middle ſituation between theſe extremes *. But when they ſallied forth from their native foreſts, and invaded the ſeve-

* " Reges ex nobilitate; duces ex virtute ſumunt. Nec re-
" gibus infinita aut libera poteſtas; et duces exemplo potius
" quam imperio, ſi prompti, ſi conſpicui: ſi ante aciem agant,
" admiratione præſunt." Tacitus de mor. German. § 7. " De
" minoribus rebus principes conſultant, de majoribus omnes.
" Ita tamen, ut ea quoque, quorum penes plebem arbitrium eſt,
" apud principes pertractentur.—Ut turbae placuit, conſidunt
" armati. Silentium per ſacerdotes, quibus tum et coercendi
" jus eſt, imperatur. Mox rex vel principes, prout aetas cuique,
" prout nobilitas, prout decus bellorum, prout facundia eſt, au-
" diuntur, auctoritate audendi magis quam jubendi poteſtate."
Ibid. § 11. " Licet apud concilium accuſare quoque, et diſcri-
" men capitis intendere. Diſtinctio pœnarum ex delicto, pro-
" ditores et transfugas arboribus ſuſpendunt. Ignavos, et im-
" belles, et corpore infames, cœno ac palude, injecta inſuper
" crate, mergunt.—Eliguntur in iiſdem conſiliis et principes,
" qui jura per pagos vicoſque reddunt. Centeni ſingulis ex plebe
" comites, conſilium ſimul et auctoritas, adſunt." Ibid. § 12.

" Quum bellum civitas aut inlatum defendit, aut infert;
" magiſtratus, qui ei bello praeſint, ut vitae neciſque habeant
" poteſtatem, deliguntur. In pace, nullus eſt communis ma-
" giſtratus; ſed principes regionum atque pagorum inter ſuos
" jus dicunt, controverſiaſque minuunt—ubi quis ex principi-
" bus in concilio dixit ſe ducem fore; qui ſequi velint, pro-
" fiteantur;

ral provinces of the Roman empire, they were ſoon led to a farther improvement of their circumſtances, and, by the example of the people whom they had ſubdued, were excited to apply themſelves with attention to agriculture. Different heads of families, or petty chiefs, ſettled in particular parts of the country, and acquired eſtates in land as well as in moveables. By their activity in plundering the enemy, and by their induſtry in cultivating the ground, they procured a great number of captives, and gradually extended their poſſeſſions.

The retainers of every family were, in all probability, at firſt maintained about the houſe of their leader, by whom they were protected, and whoſe intereſt and dignity they endeavoured upon every occaſion to ſupport. When they became ſo numerous as to render their living in this manner inconvenient, he aſſigned them ſeparate farms, which he allowed them to cultivate for their own emolument,

" fiteantur; conſurgunt ii, qui et cauſſam et hominem probant, " ſuumque auxilium pollicentur; atque ab multitudine con- " laudantur: qui ex iis ſecuti non ſunt, in deſertorum ac prodi- " torum numero ducuntur; omniumque iis rerum poſtea fides " derogatur." Caeſar, de bell. Gall. lib. 6. § 23.

upon

upon condition that they ſhould continue to ſerve him in war, and fulfil the ſeveral duties which were formerly underſtood to be incumbent upon them as members of the family.

As theſe tenants depended upon their maſter for ſubſiſtence, it cannot be doubted that they would be entirely ſubject to his authority. They were liable to be forfeited of their poſſeſſions, if ever they refuſed to follow his banner in any of thoſe military expeditions in which he had occaſion to employ them. He exerciſed over them an abſolute and ſupreme juriſdiction, in puniſhing their offences, as well as in deciding their differences; and he aſſumed a power of making ſuch geneneral regulations as he thought proper, for removing diſorders, and preventing future diſputes *.

Thus, upon the ruins of the weſtern empire, there aroſe in every province particular chiefs or

* See Nouvel examen de l'uſage general des fiefs en France.—All the authors who have written on the feudal ſyſtem agree, that the barons exerciſed this abſolute power over their vaſſals, although very different conjectures have been advanced concerning the time and manner of its eſtabliſhment. Theſe particulars will be conſidered in the following diſcourſe.

barons,

barons, who lived in ſeparate diſtricts, independent of one another, and each of whom procured a number of vaſſals or military tenants, and became great and powerful in proportion to the eſtate which he poſſeſſed. This appears to have been the firſt ſtep toward the introduction of that ſyſtem of feudal government which was afterwards eſtabliſhed and brought to perfection in moſt of the countries of Europe.

Wherever we meet with independent tribes of rude people, who have acquired conſiderable property in land, there is reaſon to conclude that their chiefs poſſeſs the ſame degree of influence, and are accuſtomed to exerciſe a ſimilar authority over their vaſſals or dependents. This is probably the foundation of the great power enjoyed by many of the chiefs or nobles upon the coaſt of Africa, and in ſeveral parts of the Eaſt Indies. In theſe countries it would ſeem that the people are immediately ſubject to the juriſdiction of their leader, and that they are obliged to attend him in war, whenever their ſervice is demanded.

CHAP.

CHAP. IV.

Of the riſe of a ſovereign over an extenſive ſociety, and the advancement of a people in civilization and refinement.

THE improvement of agriculture, as it increaſes the quantity of proviſions, and renders particular clans or tribes more numerous and flouriſhing, ſo it obliges them at length to ſend out colonies to a diſtance, who occupy new ſeats wherever they can find a convenient ſituation, and are formed into ſeparate villages, after the model of thoſe with which they were formerly acquainted. Thus, in proportion as a country is better cultivated, it comes to be inhabited by a greater number of diſtinct ſocieties, whether derived from the ſame or from a different original, agreeing in their manners, and reſembling each other in their government and inſtitutions.

Theſe different communities being frequently at war, and being expoſed to continual invaſions from their neighbours, are in many caſes determined, by the conſideration of their mutual intereſt, to unite againſt their common enemies, and to form

form a variety of combinations, which are more or leſs permanent, according as they are influenced by particular circumſtances. Thoſe people who have found the advantage of joining their forces in one expedition, are naturally diſpoſed to continue the like aſſociation in another, and by degrees are encouraged to enter into a general defenſive alliance. The intercourſe which they have maintained in war, is not entirely diſſolved even in time of peace. Though originally ſtrangers to each other, yet, having many opportunities of aſſembling in their military enterprizes, they cannot fail to contract an acquaintance, which becomes the ſource of their future correſpondence. They have frequent opportunities of meeting in their common ſports and diverſions. The leading men of different villages entertain one another with ruſtic hoſpitality and magnificence: intermarriages begin to take place between their reſpective families; and the various connections of ſociety are gradually multiplied and extended.

From a ſimple confederacy of this kind, an ariſtocratical government is naturally eſtabliſhed. As every village, or ſeparate community, is ſubjected to its own leader, it is to be ſuppoſed that,

in

in their joint meaſures, the ſeveral chiefs, when united together, will enjoy an influence correſpondent to that which they have ſeparately acquired over their own particular dependents; and that the frequent meeting and deliberation of thoſe diſtinguiſhed perſonages will at length give riſe to a regular aſſembly, inveſted with power and authority to determine in all the important affairs of the ſociety.

The ſame circumſtances, however, which influence the members of a ſingle clan to be guided by a particular perſon in their ſmaller expeditions, render a ſimilar expedient yet more neceſſary in conducting a numerous army, compoſed of different clans, often diſagreeing in their views, and little connected with each other. Some one leader is therefore entruſted with the ſupreme command of their united forces; and the ſame influence, by which he was firſt raiſed to that dignity, enables him frequently to maintain it during life, and even in many caſes to render it hereditary. In this manner a great chief or king is placed at the head of a nation, and claims, by degrees, the inſpection and ſuperintendence of various branches of the public adminiſtration.

But

But, notwithſtanding the rank and pre-eminence enjoyed by this primitive ſovereign, his authority at firſt is far from being conſiderable. The chiefs, who retain all their original influence over their reſpective tribes, and who are jealous of a ſuperior, are diſpoſed to allow him no higher prerogatives than are requiſite to anſwer the purpoſes for which he was created. Though in a day of battle his power may extend over the whole people, yet on other occaſions it is for the moſt part limited to his own particular clan; and though in the field his orders are not to be diſputed, yet in the council public meaſures are determined by the majority of voices, and the king is little more than the preſident of the meeting. After the concluſion of an expedition, when the different clans have retired to their ſeveral places of abode, they are almoſt entirely withdrawn from his influence, and live under the protection of their ſeveral leaders, to whoſe juriſdiction and authority they are totally ſubjected.

Such are the uniform accounts which have been given by travellers concerning the government of thoſe kingdoms, either upon the coaſt of Africa,

or

or in the countries belonging to Aſia, in which a number of diſtinct tribes or villages are but imperfectly united together *.

In the Odyſſey, Alcinous, king of the Pheacians, ſays expreſsly, "There are twelve chiefs "who ſhare dominion in the kingdom, and I am "the thirteenth." He is accordingly obliged to call a council of his nobles, before he can venture to furniſh Ulyſſes with a ſingle ſhip, in order to tranſport him to his native country †.

So far as we have any records of the early ſtates of Greece, they appear to have been all originally under a ſimilar government. The country of Attica, in particular, is ſaid to have been peopled by colonies which were brought, under different leaders, from Egypt and ſome of the neighbouring countries, and which formed a number of diſtinct

* Hiſtoire generale des voyages, 4to. tom. 4. liv. 8. ch. 3. § 4. —Ibid. tom. 5. liv. 9. ch. 7. § 8.—Ibid. liv. 10. ch. 2. 6.—See Calendar's collection of voyages, vol. 1. p. 67, 68.

† Δωδεκα γαρ καλα δημων αριπρεπεες βασιληες
Αρχοὶ κραινυσι, τρισκαιδεκατος δ εγω αυτος.

Odyſſ. lib. 8. ver. 390.

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tribes or villages independent of one another *. The firſt aſſociation among theſe little ſocieties appears to have happened in the time of Cecrops, the founder of Athens, who became their general, and who made a conſiderable reformation in their police and manners. They were afterwards more intimately united in the reign of Theſeus, when the nobility or principal inhabitants of the ſeveral towns or villages were perſuaded to ſettle at Athens, and compoſed a ſenate, or national council, which exerciſed an authority over the whole country, and

In the iſland of Ithaca the power of the chiefs, who were accuſtomed to deliberate in council concerning the public affairs of the nation, is equally conſpicuous.

" Twas ſilence all, at laſt Ægyptius ſpoke;
" Ægyptius, by his age and ſorrows broke:—

" Since great Ulyſſes ſought the Phrygian plains,
" Within theſe walls inglorious ſilence reigns.
" Say then, ye peers! by whoſe commands we meet?
" Why here once more in ſolemn council ſit?
" Ye young, ye old, the weighty cauſe diſcloſe:
" Arrives ſome meſſage of invading foes?
" Or ſay, does high neceſſity of ſtate
" Inſpire ſome patriot; and demand debate!
" The preſent ſynod ſpeaks its author wiſe;
" Aſſiſt him, Jove! thou regent of the ſkies!"

Pope's Odyſſ. book 2. l. 19.

* See Thucydides's hiſtory of the Peleponneſian war, book 1. 2.

ob-

obtained the chief direction of religious matters, together with the privilege of electing magiſtrates, and of teaching and diſpenſing the laws *.

The reſemblance between this and the antient Roman conſtitution is ſufficiently obvious. The foundation of that mighty empire was laid by a few tribes of barbarians, originally diſtinct from one another, who at firſt inhabited different quarters of the city, and who appear to have lived under the juriſdiction of their reſpective chiefs †. This was, in all probability, the origin of that connection be-

* Vid. Sigon. de Repub. Athenienſ. lib. 1. cap. 2.—Thucyd. hiſt. lib. 2.—Plutarch. in vit. Theſei.

The nobles who formed the great council or ſenate at Athens are ſaid to have been formerly members of ſeparate councils, which were accuſtomed to aſſiſt the chief in the particular towns or villages to which they belonged. By the diſſolution of theſe ſmaller aſſemblies in the time of Theſeus, and by the formation of a common national council, the inhabitants of the country were incorporated in one ſociety.

† See the account which is given of the "forum originis," by the author of the Hiſtorical Law-tracts, whoſe acute and original genius had been employed in uniting law with philoſophy, and in extending the views of a gainful profeſſion to the liberal purſuits of rational entertainment. Hiſtorical Law-tracts. chap. Of courts.

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tween the poor and the rich, which remained in after ages, and which has been commonly aſcribed to the policy of Romulus. We are told that all the lower people were attached to particular patrons of rank and diſtinction, and that every patrician had a number of clients, who owed him reſpect, ſubmiſſion, and ſervice, and were, on the other hand, entitled to his advice and protection. Of theſe leading men, who had originally an extenſive influence over the people, was formed the firſt ſenate, or council of the ſovereign, whoſe concurrence was requiſite in every ſtep of importance; who ſolely determined in what related to peace and war, and who, upon a vacancy of the throne, aſſumed the privilege of naming a ſucceſſor to the royal dignity †.

But the moſt noted examples of that ſpecies of government, which ariſes from the firſt union of different clans, occurs in the early hiſtory of the modern kingdoms of Europe. It has already been obſerved, that when the German nations ſubdued the weſtern empire, the land was divided among a

† Vide Dion. Halicarn. lib. 3.—Polyb. lib. 6.—Hein. Antiq. Rom.—See alſo M. de Monteſq. Eſprit de Loix, liv. 11. ch. 12.

variety of chiefs, or heads of families, who diſtributed a part of their eſtates among their dependents and retainers, over whom they exerciſed an almoſt unlimited authority. Theſe barons were altogether independent of each other, and poſſeſſed a degree of rank and power, in proportion to the number of vaſſals which they were able to maintain. Their poſſeſſions, which they had obtained by lot, or occupied without oppoſition, were entirely at their diſpoſal, and deſcended to their poſterity by hereditary ſucceſſion. They acknowledged no ſuperior, to whom they were liable in military ſervices, or to whoſe juriſdiction they were ſubject; and their property was ſuch as has been called "allodial," in contradiſtinction to that feudal right which was enjoyed by their vaſſals or military tenants *.

The inhabitants of a province, or of a large tract of country, were, at the ſame time, aſſociated for their mutual defence; and were united under a king or general, who conducted them in their common expeditions, and whoſe rank and dignity,

* This appears ſufficiently evident from the facts and illuſtrations collected by M. Bouquet. "Le droit public de France, "eclairci par les monumens de l'antiquité."—See alſo Dr. Robertſon's hiſtory of the reign of the Emperor Charles V. note 8.

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like that of every other baron, was ſupported by his own private demeſnes. In all meaſures of importance he was obliged to act with the concurrence of an aſſembly, compoſed of the leading men in the country. Such were the antient Parliaments of France, the Cortes in Spain, and the Wittenagemote in England. With their advice he determined what enterprizes ſhould be undertaken; and, according to their reſolutions, every baron was obliged, under ſevere penalties, to appear in the field at the head of his vaſſals. In theſe aſſemblies it was uſual to divide the plunder which had been gained by the army, to make ſuch regulations as were intended to be effectual over the whole community, and to decide, in the laſt reſort, the lawſuits which aroſe between the members of different baronies *.

* Thus, in France, when Clovis propoſed to make war upon the Wiſigoths, we are informed that he addreſſed himſelf to the national aſſembly. "It is with grief," ſays he, "that I ſee theſe "Arians have occupied a part of Gaul. Let us go, with the "Divine aſſiſtance, and ſtrip them of their poſſeſſions." This diſcourſe was received with univerſal applauſe, and immediately the army marched toward Poitou in queſt of the enemy. The additions which were made to the Salique law, in the reign of

But, though the original conſtitution of theſe modern kingdoms was at firſt ſo ſimilar to that of the antient Greeks and Romans, the different ſituation of the people very ſoon gave riſe to a remarkable diverſity in the progreſs of their government.

The Roman and Greek ſtates were originally of ſmall extent, and the inhabitants, being collected in one city, were led in a ſhort time to cultivate an acquaintance, and to incorporate in one ſociety. The police, which was eaſily eſtabliſhed in ſuch a limited territory, put a ſtop to thoſe diviſions ſo prevalent among neighbouring tribes of barbarians. The animoſity of different families was no longer cheriſhed by reciprocal acts of hoſtility: they were on the contrary united, on all occaſions, againſt the common enemies of the ſtate; and as they had every incitement to maintain an intimate correſpondence with each other, the diſ-

this prince and ſome of his ſucceſſors, appears alſo to have been laid before the ſame public aſſembly, and to have received their approbation. Lettres hiſtoriques ſur le parlement.—Boulainv. hiſt. of the ant. parl. of France.

See Mr. Hume's hiſtory of England.—Dr. Robertſon's hiſtory of the reign of Charles V.

tinctions

tinctions of families were ſoon extinguiſhed and forgotten. The power of the chiefs, or nobility, which depended upon the attachment of their reſpective clans, was therefore quickly deſtroyed; and the monarch, who remained at the head of the nation without a rival to counterbalance his influence, had no difficulty in extending his authority over the whole of his dominions *.

The more extenſive ſtates of Europe, erected by the Gothic nations, were placed in a different ſituation. The numerous inhabitants, ſcattered over a wide and often inacceſſible country, were for a long time prevented from having much intercourſe with each other, and from correcting their antient rude and barbarous cuſtoms. The ſeveral tribes who had entered into an alliance were not thereby induced to lay aſide their former jealouſies and

* For this reaſon, the antient juriſdiction and authority of the chiefs is not very diſtinctly marked in the early hiſtory of thoſe nations, among whom it was in a great meaſure deſtroyed before they were poſſeſſed of hiſtorical records.

* At Rome, ſo early as the reign of Servius Tullius, the practice of convening the people according to tribes was almoſt entirely laid aſide; and the public aſſemblies were held in ſuch a manner, that every individual was claſſed according to the wealth which he poſſeſſed.

feuds; and tho' ſometimes united under a king in common expeditions, they were no leſs frequently divided by their private quarrels, and excited to follow their ſeveral barons in the commiſſion of mutual inroads and depredations. Thus every kingdom was compoſed of a great variety of parts, looſely combined together, and for ſeveral centuries may be regarded as a collection of ſmall independent ſocieties, rather than as one great political community. The ſlow advances which were afterwards made by the people towards a more complete union, appear to have been productive of that feudal ſubordination which has been the ſubject of ſo much inveſtigation and controverſy.

In thoſe times of violence and diſorder, when different families were ſo frequently at war, and lying in wait for opportunities to plunder and oppreſs one another, the proprietors of ſmall eſtates were neceſſarily expoſed to many hardſhips and calamities. Surrounded by wealthier and more powerful neighbours, by whom they were invaded from every quarter, and held in conſtant terror, they could ſeldom indulge the hope of maintaining their poſſeſſions, or of tranſmitting them to their poſterity.

terity. Conſcious therefore of their weakneſs, they endeavoured to provide for their future ſafety, by ſoliciting the aid of ſome opulent chief who appeared moſt capable of defending them; and, in order to obtain that protection which he afforded to his antient retainers or vaſſals, they were obliged to render themſelves equally ſubſervient to his intereſt, to relinquiſh their pretenſions to independence, to acknowledge him as their leader, and to yield him that homage and fealty which belonged to a feudal ſuperior.

The nature of theſe important tranſactions, the ſolemnities with which they were accompanied, and the views and motives from which they were uſually concluded, are ſufficiently explained from the copies or forms of thoſe deeds which have been collected and handed down to us. The vaſſal promiſed in a ſolemn manner to ſubmit to the juriſdiction of the ſuperior, to reſide within his domain, and to ſerve him in war, whether he ſhould be engaged in proſecuting his own quarrels, or in the common cauſe of the nation. The ſuperior, on the other hand, engaged to exert all his power and influence in protecting the vaſſal, in defending his poſſeſſions, or in avenging his death, in caſe he ſhould be aſſaſſinated.

nated. In conſequence of theſe mutual engagements, the vaſſal, by certain ſymbols expreſſive of the agreement, reſigned his property, of which he again received the inveſtiture from the hands of the ſuperior *.

In this manner the ſmaller barons were, at different times, ſubjected to their opulent neighbours; the number of independent proprietors was gradually diminiſhed, their eſtates were united and blended together in one barony, aud large diſtricts were brought under the dominion of a few great lords, who daily extended their influence and au-

* Fidelis Deo propitio ille, ad noſtram veniens præſentiam ſuggeſſit nobis, eo quod propter ſimplicitatem ſuam, cauſas ſuas minimè poſſit proſequi, vel admallare, clementiæ regni noſtri petiit, ut inluſtris vir ille omnes cauſas ſuas in vice ipſius, tam, in pago, quam in palatio noſtro admallandum proſequendúmque recipere deberet, quod in præſenti per fiſtucam eas eidem viſus eſt commendaſſe. Propterea jubemus, ut dum taliter utriuſque decrevit voluntas, memoratus ille vir omnes cauſas lui, ubicumque proſequi vel admallare deberet, ut unicuique pro ipſo, vel hominibus ſuis, reputatis conditionibus, et directum faciat, et ab aliis ſimiliter in veritate recipiat. Sic tamen quamdiu amborum decrevit voluntas. Formul. Marculfi 21.—Vid. ibid. Formul. 13.

See alſo L'Eſprit des Loix, liv. 31. ch. 8.

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thority in proportion to the number of their vaſſals.

The progreſs of government in the ſeveral countries of Europe was ſuch as might be expected from the influence of thoſe changes which I have mentioned. Whenever an independent proprietor had reſigned his property, and agreed to hold his land by a feudal tenure, he was no longer entitled to a voice in the national aſſembly, but was obliged to follow the direction of the ſuperior to whom he was liable in homage and fealty. We find, accordingly, that in France the public aſſembly was at firſt extremely numerous, comprehending all the different heads of families in the nation. By degrees it was afterwards reduced in number, and confined to perſons of ſuperior opulence and rank, who were called to a ſeparate conference with the king*. As the nobles were thus advancing in wealth and ſplendor, ſo they continued for ſeveral centuries to extend their influence, and to increaſe their power and privileges. The gradual advancement of the ariſtocracy in theſe kingdoms has accordingly been

* Vide Obſervat. ſur l'hiſtoire de France, par M. de Mably.

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remarked by every hiſtorian who has given any general view of their political conſtitution.

It is probable, however, that the erection of theſe great baronies, by the voluntary ſubmiſſion of different allodial proprietors, contributed to aſcertain the right of the vaſſal, and to limit that property with which the ſuperior was originally inveſted. The antient military tenants, who were the kindred and relations of the ſuperior, and who had received their lands as a pure gratuity, never thought of demanding to be ſecured in the future poſſeſſion; and while they continued to ſupport the intereſt of the family, which they looked upon as inſeparable from their own intereſt, they had no apprehenſion that they ſhould ever be deprived of their eſtates. Thus, according to the more accurate ideas of later times, they were merely tenants at will, removable at the pleaſure of their maſter.

But it was not to be expected that thoſe who ſubmitted to a foreign ſuperior, and who gave up their allodial property as an equivalent for the protection which was promiſed them, would repoſe ſo much confidence in a perſon with whom they had

no natural connection, or be willing to hold their lands by the ſame precarious tenure. They endeavoured, by expreſs ſtipulations, to prevent the arbitrary conduct of the maſter; and, according as they found themſelves in a condition to inſiſt for more favourable terms, they obtained a grant of their eſtates, for a certain limited time, for life, or to their heirs. By this alteration the right of property, inſtead of being totally veſted in the ſuperior, came to be, in ſome meaſure, divided between him and his vaſſals *.

The ſame circumſtances, by which the eſtates of different proprietors were united in one barony, contributed afterwards to incorporate theſe larger diſtricts, and to unite all the inhabitants of a kingdom in the ſame feudal dependency. As the barons were diminiſhed in number, and increaſed in power and opulence, they became more immediate rivals to each other. In their different quarrels, which were proſecuted with various ſucceſs, the weaker party was often obliged to have recourſe

* When land was held by a vaſſal during life, or for a ſhorter period, it was commonly called a Benefice; but when it was allowed to deſcend to the heirs of the vaſſal, it received the appellation of a Fief.

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to the king, who alone was able to ſcreen him from the fury of his enemy; and, in order to procure that ſuccour and aſſiſtance which his ſituation required, he became willing to ſurrender his property, and to hold his eſtate upon condition of his yielding that obedience, and performing that ſervice, which a ſuperior was accuſtomed to demand from his vaſſals. From the various diſputes which aroſe, and the accidental combinations that were formed among the great families, the nobles were all, in their turns, reduced to difficulties from which they were forced to extricate themſelves by the like compliances; and the ſovereign, who laid hold of every opportunity to extend his influence, eſtabliſhed his ſuperiority over the barons by the ſame means which they themſelves had formerly employed for ſubjecting the proprietors of ſmaller eſtates.

Thus, by degrees, the feudal ſyſtem was completed in moſt of the countries of Europe. The whole of a kingdom came to be united in one great fief, of which the king was the ſuperior, or lord paramount, having in ſome meaſure the property of all the land within his dominions. The great barons became his immediate vaſſals, and,

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according to the tenure by which they held their eſtates, were ſubject to his juriſdiction, and liable to him in ſervices of the ſame nature with thoſe which they exacted from their own retainers or inferior military tenants.

The preciſe period when this revolution was finally accompliſhed, as in moſt other gradual changes which happen in a country, is involved in doubt and uncertainty. From a compariſon of the opinions of different authors who have written upon this ſubject, and of the facts which they bring in ſupport of their ſeveral conjectures, it appears moſt reaſonable to conclude, that in France the great barons continued their allodial poſſeſſions during the kings of the firſt and ſecond race, and about the beginning of the Capetian line were for the moſt part reduced into a ſtate of feudal ſubjection to the monarch *.

* Many of the French hiſtorians and antiquaries have believed that the feudal ſyſtem was completed under their kings of the firſt race; others have ſuppoſed that feudal tenures were unknown in that country till after the acceſſion of Hugh Capet. It appears to me that the truth lies in the middle between theſe oppoſite opinions. To thoſe authors who obſerved that, ſoon after the ſettlement of the Franks in Gaul, the king and the great lords had a conſiderable number of vaſſals dependent upon them

In England it would ſeem that, in like manner, the nobles maintained their independence during the time of the Saxon princes, and were reduced to be the vaſſals of the crown in the reign of William the Conqueror *.

This opinion is confirmed by obſerving the changes which, from thoſe two periods, began to take place in the government of theſe kingdoms. From the reign of Hugh Capet, the dominions of France appear more firmly united; they were no longer ſplit upon the death of the ſovereign, and ſhared among his children; the monarch was from this period capable of acting with more vigour,

them for protection, and liable in military ſervice, it ſeemed a natural inference, that the whole land in the country was held by military tenure. Thoſe on the contrary who diſcovered that, under the kings of the firſt and ſecond race, the great lords were in poſſeſſion of allodial eſtates, and who obſerved, that, after the reign of Hugh Capet, many of the perquiſites incident to the feudal tenures were eſtabliſhed, thought they had reaſon from thence to conclude that the feudal ſyſtem was not introduced before this period.

* From ſimilar circumſtances it has been a ſubject of controverſy, whether the feudal ſyſtem took place in England under the government of the Saxon monarchs, or whether it was not firſt introduced in the reign of William the Conqueror.

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and continued to extend his prerogative till the reign of Lewis XI. who exerciſed the power of impoſing taxes, as well as of making laws independent of the convention of eſtates*. The ſame progreſs, though with ſome accidental interruptions, may be traced in England, from the Norman conqueſt to the acceſſion of the Tudor family, under which the powers and prerogatives of the crown were exalted to a height that ſeemed equally incompatible with the rights of the nobility and the freedom of the people.

Theſe inſtitutions, by which ſmall bodies of men are incorporated in larger ſocieties under a ſingle leader, and afterwards linked together in one great community, appear ſo ſuitable to the circumſtances of a rude people, advancing by ſlow degrees in their ideas of order and policy, that we may expect to find ſomething of the ſame kind in every extenſive kingdom that is formed by the aſſociation of many different tribes or families.

The kingdom of Congo, upon the ſouthern coaſt of Africa, is divided into many large diſ-

* See Boulainv. hiſt. ant. parl. of France.

tricts

tricts or provinces, the inhabitants of which appear to have made ſome progreſs in agriculture. Each of theſe diſtricts comprehends a multitude of ſmall lordſhips, which are ſaid to have been formerly independent, but which are now united together, and reduced under a ſingle chief or governor, who exerciſes abſolute authority over them. The great lords, or governors of provinces, are in like manner dependent upon the king, and owe him the payment of certain annual duties. This monarch is underſtood to have an unlimited power over the goods of all his ſubjects; he is the proprietor of all the lands in the kingdom, which return to the crown upon the death of the poſſeſſors; and, according to the arbitrary will of the prince, are either continued in the ſame, or beſtowed upon a different family. All the inhabitants are bound to appear in the field whenever they are required by the ſovereign, who is able in a ſhort time to raiſe a prodigious army upon any ſudden emergency. Every governor has a judicial power in his own diſtrict, and from his ſentence there lies an appeal to the king, who is the ſupreme judge of the nation. Similar accounts are given of the conſtitution in the neigh-

neighbouring kingdoms of Angola, Loango, and Benin *.

The ſame form of government may be diſcovered in ſeveral parts of the Eaſt Indies, where many great lords, who have acquired extenſive dominions, are often reduced into a ſort of feudal dependence upon a ſingle perſon.

In the kingdom of Pegu, which was formerly an independent monarchy, the king is ſaid to have been the ſole heir of all the landed eſtates of his ſubjects. The nobility or chiefs had lands and towns aſſigned them, which they held of the crown, upon condition of their maintaining a certain number of troops in time of peace, and bringing them into the field in caſe of a war. Beſides theſe military ſervices, they were alſo bound to the performance of ſeveral kinds of work, which the ſovereign rigorouſly exacted from them, in token of their ſubjection. This country is now annexed to the kingdom of Ava, in which, as well as in

* Hiſtoire generale des voyages, 4to. tom. 6. liv. 13. chap. 2, 3, 4.—Ibid. tom. 6. liv. 11. chap. 1. 6. §. 2.——Modern Univerſal Hiſtory, vol. 16. p. 81.

that

that of Laos and of Siam, the ſame regulations appear to be eſtabliſhed *.

When a great and poliſhed nation begins to relapſe into its primitive rudeneſs and barbariſm, the dominions which belong to it are in danger of falling aſunder, and the ſame inſtitutions may become neceſſary for preventing the different parts of the kingdom from being ſeparated, which had been formerly employed in order to unite the ſeveral members of an extenſive ſociety. This was the caſe among the Romans in the later periods of the empire. When the provinces became in a great meaſure independent, and the government was no longer able to protect them from the repeated invaſions of the barbarians, the inhabitants were obliged to ſhelter themſelves under the dominion of particular great men in their neighbourhood, whom the emperor put in poſſeſſion of large eſtates, upon condition of their maintaining a proper armed force to defend the country. Thus, in different provinces, there aroſe a number of chiefs or leaders

* Modern Univerſal Hiſtory, vol. 7. p. 54. 62. 64. 127. 188. 190. 225. 263. 273.

who

who enjoyed eſtates in land, as a conſideration for the military ſervice which they performed to the ſovereign. Some authors have thence been led to imagine that the feudal policy of the German nations was copied from thoſe regulations already eſtabliſhed in the countries which they ſubdued. But this only ſhews, that the growth and decay of ſociety have in ſome reſpects a reſemblance to each other, which, independent of imitation, is naturally productive of ſimilar manners and cuſtoms.

The advancement of a people in civilization, and in the arts of life, is attended with various alterations in the ſtate of individuals, and in the whole conſtitution of their government.

Mankind, in a rude age, are commonly in readineſs to go out to war, as often as the circumſtances require it. From their extreme idleneſs, a military expedition is ſeldom inconvenient. From their intrepidity and their ambition to be diſtinguiſhed, as well as from their deſire of plunder, it is never diſagreeable. The members of every clan are no leſs eager to follow their chief, and to revenge his quarrel, than he is deſirous of their aſſiſtance. They look upon it as a privilege, rather

than a burden, to attend upon him, and to ſhare in the danger, as well as in the glory and profit of all his undertakings. By the numberleſs acts of hoſtility in which they are engaged, they are trained to the uſe of arms, and acquire experience in the military art, ſo far as it is then underſtood. Thus, without any trouble or expence, a powerful militia is conſtantly maintained, which, upon the ſlighteſt notice, can always be brought into the field, and employed in the defence of the country.

When Cæſar made war upon the Helvetii they were able to muſter againſt him no leſs than ninety-two thouſand fighting men, amounting to a fourth part of all the inhabitants.

Hence thoſe prodigious ſwarms which iſſued, at different times, from the ill-cultivated regions of the north, and over-ran the ſeveral provinces of the Roman empire. Hence too, the poor but ſuperſtitious princes of Europe were enabled to muſter ſuch numerous forces under the banner of the croſs in order to attack the opulent nations of the eaſt, and to deliver the holy ſepulchre from the hands of the infidels.

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The ſame obſervation will, in ſome meaſure, account for thoſe immenſe armies which we read of in the early periods of hiſtory; or at leaſt may incline us to conſider thoſe exaggerated relations as not entirely deſtitute of ſome real foundation.

Theſe diſpoſitions, ariſing from the frequent diſorders incident to a rude ſociety, are of courſe laid aſide when good order and tranquility begin to be eſtabliſhed. When the government acquires ſo much authority as to protect individuals from oppreſſion, and to put an end to the private wars which ſubſiſted between different families, the people, who have no other military enterprizes but thoſe which are carried on in the public cauſe of the nation, become gradually leſs accuſtomed to fighting, and their martial ardour is proportionably abated.

The improvement of arts and manufactures, by introducing luxury, contributes yet more to enervate the minds of men, who, according as they enjoy the more eaſe and pleaſure at home, are inſpired with greater averſion to the hardſhips and dangers of a military life. The increaſe of induſtry, at the ſame time, creates a number of lucrative em-

ployments, which require a conſtant attention, and gives riſe to a variety of tradeſmen and artificers, who cannot afford to leave their buſineſs upon account of the tranſient and uncertain advantages to be derived from the pillage of their common enemies *.

In theſe circumſtances the bulk of a people become at length unable or unwilling to ſerve in war, and when ſummoned to appear in the field, according to the antient uſage, are induced to offer a ſum of money inſtead of their perſonal attendance. A compoſition of this kind, is readily accepted by the ſovereign or chief magiſtrate, who is thereby enabled to hire ſoldiers among thoſe who have no better employment, or who have contracted a liking to that particular occupation. As the forces which he has raiſed in this manner receive conſtant pay, and have no other means of gaining a livelihood, they are entirely under the command of their leader, and are willing to remain in his ſervice as long as he chuſes to retain them. He is therefore

* See M. de Monteſquieu Conſiderations ſur les cauſes de la grandeur des Romains, &c. ch. 3.

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encouraged to enter upon more difficult enterprizes, and to meditate more diſtant ſchemes of ambition. His wars, which were formerly concluded in a few weeks, are now gradually protracted to a greater length of time, and occaſioning a greater variety of operations, are productive of ſuitable improvements in the military art.

After a numerous body of troops have been levied at a conſiderable expence, and have been prepared for war by a long courſe of diſcipline and experience, it appears highly expedient to the ſovereign that, even in time of peace, ſome part of them, at leaſt, ſhould be kept in pay, to be in readineſs whenever their ſervice is required. Thus, the introduction of mercenary forces is ſoon followed by that of a regular ſtanding army, for the ſupport of which the antient patrimony of the crown is altogether inſufficient, and the people are ſubjected to a general aſſeſſment, and to a variety of taxes. The buſineſs of a ſoldier becomes a diſtinct profeſſion, which is appropriated to a ſeparate order of men, while the reſt of the inhabitants being devoted to their ſeveral employments, become wholly unaccuſtomed to arms, and the preſervation of their lives and fortunes is totally devolved upon

thoſe whom they are at the charge of maintaining for that purpoſe.

This alteration, with regard to the military ſyſtem, appears to have taken place in all the civilized and opulent nations of antiquity; and, for more than two centuries, has been completely eſtabliſhed in moſt of the countries of Europe *.

Its apparent tendency to increaſe the power and prerogative of the crown, which has been the ſubject of ſo much declamation, needs hardly be obſerved. As the maintenance of ſtanding forces is the great ſource of expence to the government, and as the chief magiſtrate commonly obtains the principal direction in collecting and diſpoſing of the revenue that is raiſed upon this account, it cannot be doubted that his influence will become proportionably extenſive. As the army, in particular, is immediately under his conduct; as the individuals of which it is compoſed depend entirely upon him for preferment; as, by forming a ſeparate order of men they are apt to become indifferent about the rights of their fellow citizens, it may be

* See Dr. Robertſon's hiſtory of Charles V. vol. 1.

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expected that, in moſt caſes, they will be diſpoſed to pay an implicit obedience to his commands, and that the ſame force which is maintained to ſuppreſs inſurrections, and to repel invaſions, may often be employed to ſubvert and deſtroy the liberties of the people.

In another view, the influence of commerce and manufactures appears favourable to liberty, and conducive to a popular form of government.

In thoſe periods when men are unacquainted with manufactures, and are maintained from the ſimple productions of the earth, the lower people have ſeldom an opportunity of raiſing themſelves to ſuperior ſtations. They are under a neceſſity of becoming ſervants to their opulent neighbours, by whom they are employed, according to their qualifications, in military ſervice, or in the ſeveral branches of huſbandry. In this ſituation they are incapable of acquiring an affluent fortune; but, remaining for ages in a ſtate of dependence, they naturally contract ſuch diſpoſitions and habits as are ſuited to their circumſtances. They acquire a ſacred veneration for the perſon of their maſter, and are taught to pay an unbounded ſubmiſſion to his

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authority. They are proud of that ſervile obedience by which they ſeem to exalt his dignity, and conſider it as their duty to ſacrifice their lives and their poſſeſſions in order to promote his intereſt, or even to gratify his capricious humour.

But when the arts begin to be cultivated in a country, the labouring part of the inhabitants are enabled to procure ſubſiſtence in a different manner. They are led to make a proficiency in particular trades and profeſſions; and, inſtead of becoming ſervants to any body, they often find it more profitable to work at their own charges, and to vend the product of their labour. As in this ſituation their gain depends upon a variety of cuſtomers, they have little to fear from the diſpleaſure of any ſingle perſon; and, according to the good quality and cheapneſs of the commodity which they have to diſpoſe of, they may commonly be aſſured of ſucceſs in their buſineſs.

The farther a nation advances in opulence and refinement, it has occaſion to employ a greater number of merchants, of tradeſmen and artificers; and as the lower people, in general, become thereby more independent in their circumſtances, they

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begin to exert thoſe ſentiments of liberty which are natural to the mind of man, and which neceſſity alone is able to ſubdue. In proportion as they have leſs need of the favour and patronage of the great, they are at leſs pains to procure it; and their application is more uniformly directed to acquire thoſe talents which are uſeful in the exerciſe of their employments. The impreſſions which they received in their former ſtate of ſervitude are therefore gradually obliterated, and give place to habits of a different nature. The long attention and perſeverance, by which they become expert and ſkilful in their buſineſs, render them ignorant of thoſe decorums and of that politeneſs which ariſes from the intercourſe of ſociety; and that vanity which was formerly diſcovered in magnifying the power of a chief, is now equally diſplayed in ſullen indifference, or in contemptuous and inſolent behaviour to perſons of ſuperior rank and ſtation.

At the ſame time that a great proportion of the people are raiſed to independence, a number of individuals have an opportunity of acquiring very ample fortunes; while, on the other hand, many of the old families are, from the ſame circumſtances, reduced to poverty and indigence. From the ideas

ideas of luxury, introduced by commerce and manufactures, the antient ſimplicity of manners is in a great meaſure deſtroyed; and thoſe who are born to great affluence, and who have been bred to no buſineſs, are excited, with mutual emulation, to ſurpaſs one another in the elegance and refinement of their living. According as they have the means of indulging themſelves in pleaſure, they become more addicted to the purſuit of it, and are ſunk into a degree of indolence and diſſipation which renders them incapable of any active employment. Thus the expence of the landed gentleman is apt to be continually increaſing, without any proportional addition to his income; and his eſtate, being more and more encumbered with debts, is at length alienated, and brought into the poſſeſſion of the frugal and induſtrious merchant, whoſe poſterity, in a generation or two, are again led to ſquander it away, with a heedleſs extravagance equal to the parſimony and activity by which the former poſſeſſor was enabled to acquire it.

This fluctuation of property, ſo obſervable in all commerical countries, and which no prohibitions

ons are capable of preventing, muſt neceſſarily weaken the authority of thoſe who are placed in the higher ranks of life. Perſons who have lately attained to riches, have no opportunity of eſtabliſhing that train of dependence which is maintained by thoſe who have remained for ages at the head of a great eſtate. The hereditary influence of family is therefore diminiſhed. Money becomes more and more the only means of procuring honours and dignities. As no one order of men continues in the excluſive poſſeſſion of opulence, as every man who is induſtrious may entertain the hope of gaining a fortune, it is to be expected that the prerogatives of the monarch and of the antient nobility will be gradually undermined, that the privileges of the people will be extended in the ſame proportion, and that power, the uſual attendant of wealth, will be in ſome meaſure diffuſed over all the members of the community.

So widely different are the effects of opulence and refinement, which, at the ſame time that they furniſh the king with a ſtanding army, the great engine of tyranny and oppreſſion, have alſo a tendency to inſpire the people with notions of liberty and

and independence. It may thence be expected that a conflict will ariſe between theſe two oppoſite bodies, in which a variety of accidents may contribute to caſt the balance, either upon the one ſide or the other.

We may obſerve, in general, that in a ſmall ſtate the people have on thoſe occaſions been commonly ſucceſsful in their efforts to eſtabliſh a free conſtitution. When a ſtate conſiſts only of a ſmall territory, and the bulk of the inhabitants live in one city, they have frequently occaſion to converſe together, and to communicate their ſentiments upon every ſubject of importance. Their attention therefore is rouſed by every inſtance of oppreſſion in the government; and as they eaſily take the alarm, ſo they are capable of quickly uniting their forces in order to demand redreſs of their grievances. By repeated experiments they become ſenſible of their ſtrength, and are enabled by degrees to enlarge their privileges, and to aſſume a greater ſhare of the public adminiſtration.

Moſt of the antient republics, with which we are acquainted, appear to have owed their liberty to this particular circumſtance. From the narrow-

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neſs of their dominions, and the cloſe intercourſe among all the individuals of the ſame community, they imbibed a ſpirit of freedom even before they had made conſiderable progreſs in arts; and found means to repreſs or aboliſh the power of their petty princes, before their effeminacy or induſtry had introduced the practice of maintaining mercenary troops.

The ſame obſervation is applicable to the modern ſtates of Italy, who, after the decay of the weſtern empire, began to flouriſh in trade, and among whom a republican form of government, though after a different model, was early eſtabliſhed.

In large and extenſive nations it may, on the other hand, be imagined, that the ſtruggles between the ſovereign and his people will more commonly terminate in favour of deſpotiſm. In a wide country, the encroachments of the government are frequently overlooked; and, even when the indignation of the people has been rouſed by flagrant injuſtice, they find it difficult to combine in uniform and vigorous meaſures for the defence of their rights. The ſame circumſtance renders it difficult, in caſe of a ſudden war, to levy a ſufficient

cient force, and makes it requiſite, even before the country has been much civilized, to maintain ſuch a body of mercenaries as is capable of ſupporting the regal authority.

Thus in France, in Spain, and in moſt of the great kingdoms of Europe, the antient power of the monarch has been farther confirmed and extended by the progreſs of civilization, and the advancement of arts and manufactures.

The fortunate ſituation of Britain, after the acceſſion of James I. gave her little to fear from any foreign invaſion, and ſuperſeded the neceſſity of maintaining a conſiderable ſtanding army, when the ſervice of the feudal militia had gone into diſuſe. The weakneſs, and perhaps the upright intentions of her monarchs, at that period, prevented them from employing the only expedient capable of ſupporting their pretenſions to abſolute power. Charles I. when at the point of an open rupture with his parliament, was poſſeſſed of no military force upon which he could depend, and was therefore obliged to yield to the growing power of the commons *. The repeated efforts that were made

* See Mr. Hume's hiſtory of England.

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by the people in defence of their privileges cheriſhed and ſpread the love of liberty, and producing the moſt popular government that ever was eſtabliſhed in a country of the ſame extent, have at length modelled the ſtanding army in ſuch a manner as to remove all juſt ground of terror from its future operations.

CHAP. V.

Of the condition of ſervants in different parts of the world.

IN the foregoing chapters we have ſurveyed the principal diſtinctions of rank which occur among the free inhabitants of a country, and have endeavoured to mark the progreſs of ſociety, with regard to the power of the huſband, the father, and the civil magiſtrate. It may now be proper to conſider the ſtate of the ſervants, and to obſerve the degrees of authority which the laws and cuſtoms of different nations have beſtowed upon the maſter.

From the ſituation of mankind in rude and barbarous countries, we may eaſily conceive in what

what manner any one perſon is, at firſt, reduced to be the ſervant of another. Before the manners of men are civilized, and a regular government has been eſtabliſhed, perſons of ſmall fortune are ſubject to great inconveniencies from the diſorder and violence of the times, and are frequently obliged to ſolicit the aſſiſtance and protection of ſome powerful neighbour, by whom they are entertained in the ſtate of vaſſals or military dependents. But thoſe who have neglected to acquire any fortune, or who by accident have been deprived of their poſſeſſions, are neceſſarily expoſed to much more ſevere calamities. They have no room or encouragement for the exerciſe of thoſe beneficial trades and profeſſions, the effects of luxury and refinement, by which, in a poliſhed nation, a multitude of people are enabled to live in a comfortable manner. In many caſes, therefore, they are under the neceſſity of ſerving ſome opulent perſon, who, upon account of their labour, is willing to maintain them; and as they are entirely dependent upon him for their ſubſiſtence, they are engaged, according to his circumſtances, and according to the qualifications they poſſeſs, in all the mean and

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ſervile occupations which may be requiſite for the convenience and ſupport of his family.

In early ages, when neighbouring tribes or nations are almoſt continually engaged in mutual hoſtilities, it frequently happens that one of the parties is totally reduced under the power of another. The uſe that is made of a victory, upon theſe occaſions, is ſuch as might be expected from a fierce and barbarous people, who have too little experience or reflection to diſcover the utility of carrying on the trade of war with ſome degree of humanity. The vanquiſhed are often put to death, in order to gratify a ſpirit of revenge; or, if they are ſpared, it is only from the conſideration that their future labour and ſervice will be of more advantage to the conqueror. As in thoſe times every individual goes out to battle at his own charges, ſo he claims a proportional ſhare of the profits ariſing from the expedition; and of conſequence obtains the abſolute diſpoſal of the captives whom he hath ſubdued by his valour, or who, in a diviſion of the booty, are beſtowed upon him as the reward of his merit *.

* This antient acquiſition of ſervants by captivity, gave riſe, in ſubſequent periods, to another method of acquiring them, by the ſentence of a judge. In the moſt rude ſtate of ſociety, the public was not inveſted with ſufficient power to puniſh the

By theſe two methods, by captivity, or by the voluntary ſubmiſſion of the indigent, many are reduced into a ſtate of unlimited ſubjection, and become the ſervants of thoſe who are opulent and proſperous. It may be queſtioned, in ſuch a caſe, how far a perſon is entitled to make uſe of that power which fortune has put into his hands. It is difficult to aſcertain the degree of authority which, from the principles of juſtice and humanity, we are, in any ſituation, permitted to aſſume over our fellow-creatures. But the fact admits of no queſtion, that people have commonly been diſpoſed to uſe their power in ſuch a manner as appears moſt conducive to their intereſt, and moſt agreeable to their predominant paſſions. It is natural to ſuppoſe that the maſter would ſet no bounds to his prerogative over thoſe unhappy perſons who, from their circumſtances, were under the neceſſity of yield-

crimes that were committed; and when a difference aroſe between individuals, the injured party had frequently no other way of procuring redreſs than by making war upon the offender, and reducing him into captivity. In more civilized ages, when the magiſtrate was enabled to reſtrain theſe diſorders, he ſometimes afforded the ſame redreſs by his own authority, and aſſigned the labour and ſervice of the criminal as an indemnification to the ſufferer for the loſs he had ſuſtained.

yielding an implicit obedience to his commands. He forced them to labour as much, and gave them as little in return for it as poſſible. When he found them negligent of their employment, he beſtowed upon them ſuch correction as he thought proper; and, actuated by the boiſterous diſpoſitions of a ſavage, he was in ſome caſes provoked to chaſtiſe them with a degree of ſeverity, by which they might even be deprived of their life. When he had no uſe for their work, or when a good opportunity was preſented, he endeavoured by a ſale to diſpoſe of them to the higheſt advantage. When he choſe to increaſe the number of his ſervants, he ſometimes encouraged and directed their multiplication; and the ſame authority which he exerciſed over the parents was extended to their offſpring, whom he had been at the trouble of rearing, and who were equally dependent upon him for their ſubſiſtence.

To be a ſervant, therefore, in thoſe primitive times, was almoſt univerſally the ſame thing as to be a ſlave. The maſter aſſumed an unlimited juriſdiction over his ſervants, and the privilege of ſelling them at pleaſure. He gave them no wages beſide

their maintenance; and he allowed them to have no property, but claimed to his own uſe whatever, by their labour or by any other means, they happened to acquire.

Thus the practice of domeſtic ſlavery appears to have been early eſtabliſhed among the nations of antiquity; among the Egyptians, the Phœnicians, the Jews, the Babylonians, the Perſians, the Greeks, and the Romans.

The ſame practice obtains at preſent among all thoſe tribes of barbarians, in different parts of the world, with which we have any correſpondence.

There are indeed but few ſlaves among the greater part of the ſavages of America; becauſe, from the ſituation of that people, they have no opportunity of accumulating wealth for maintaining any number of ſervants. As, in ordinary caſes, they find it burthenſome to give ſubſiſtence to an enemy whom they have ſubdued, they are accuſtomed to indulge their natural ferocity by putting him to death, even in cold blood. If ever they behave with more humanity to their captives, it

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is when they have been greatly reduced by war, or by uncommon accidents; and as this rarely happens, the perſons whoſe lives have been thus preſerved, are not diſtinguiſhed from the children of the family into which they are brought; but are formally adopted into the place of the deceaſed relations, whoſe loſs they are intended to ſupply *.

The Tartars, on the other hand, who have great poſſeſſions in herds and flocks, find no difficulty in ſupporting a number of domeſtics. For this reaſon they commonly preſerve their captives, with a view of reaping the benefit that may ariſe from their labour; and the ſervitude eſtabliſhed among that people diſpoſes them to treat their enemies with a degree of moderation which otherwiſe could hardly be expected from their fierce and barbarous diſpoſitions †.

* Theſe captives are worſe treated by ſome of the American nations than by others; but in fact they are always retained in the condition of ſlaves. See Lafitau, Mœurs des Sauvages Ameriquains, 4to. tom. 2. p. 308.

† See the accounts which are given of the conqueſts made by Genghizkhan. Hiſtoire generale des voyages, tom. 9. liv. 3. ch. 3. § 11.

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The ſame obſervation may be extended to the negroes upon the coaſt of Guinea, who, from their intercourſe with the nations of Europe, derive yet greater advantages from ſparing the lives of their enemies. At the ſame time it cannot be doubted, that, as the encounters of thoſe barbarians have become leſs bloody, their wars have been rendered more frequent. From the great demand for ſlaves to ſupply the European market, they have the ſame motives to ſeize the perſons of their neighbours, which may excite the inhabitants of other countries to rob one another of their property*.

Theſe inſtitutions and cuſtoms are ſuch as might be expected from the limited experience, as well as from the rude manners of an early age. By reducing his ſervants into a ſtate of ſlavery, it appears at firſt ſight, that the maſter will reap the higheſt advantage from their future labour and ſervice. But when a people become civilized, and when they have made conſiderable progreſs in commerce and manufactures, one would imagine they ſhould entertain more liberal views, and be influenced by more extenſive conſiderations of utility.

* Hiſtoire generale des voyages, tom. 4, 5, 6.

A ſlave

A ſlave who receives no wages in return for his labour, can never be ſuppoſed to exert much vigour or activity in the exerciſe of any employment. He obtains a livelihood at any rate, and by his utmoſt aſſiduity he is able to procure no more. As he works merely in conſequence of the terror in which he is held, it may be imagined that he will be idle as often as he can with impunity. This circumſtance may eaſily be overlooked in a country where the inhabitants are ſtrangers to improvement. But when the arts begin to flouriſh, when the wonderful effects of induſtry and ſkill in cheapening commodities, and in bringing them to perfection, become more and more conſpicuous, it muſt be evident that little profit can be drawn from the labour of a ſlave, who has neither been encouraged to acquire that dexterity, nor thoſe habits of application, which are eſſentially requiſite in the finer and more difficult branches of manufacture.

This may be illuſtrated from the price of labour in our Weſt-India iſlands, where it will not be doubted that the inhabitants are at great pains to prevent the idleneſs of their ſlaves. In Jamaica the yearly labour of a field-negroe, when he is upheld

held to the maſter, is rated at no more than nine pounds currency of that iſland. When a negroe has been inſtructed in the trade of a carpenter, the value of his yearly labour will amount at the utmoſt to thirty-ſix pounds, whereas a free man is capable of earning ſeventy pounds yearly in the very ſame employment.

It is further to be obſerved, that, in a poliſhed nation, the acquiſition of ſlaves is commonly much more expenſive than among a ſimple and barbarous people.

After the eſtabliſhment of a regular government, the inhabitants of a country are reſtrained from plundering one another; and, under the authority of the magiſtrate, individuals of the loweſt rank are ſufficiently ſecured from oppreſſion and injuſtice. In proportion to the improvement of commerce and manufactures the demand for labour is encreaſed, and greater encouragement is given to induſtry. The poor have more reſources for procuring a livelihood, and find a greater variety of employments which are capable of ſupporting them, without their ſubmitting to an unlimited ſubjection to their ſuperiors. By degrees, therefore,

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people of inferior condition are freed from the neceſſity of becoming ſlaves in order to obtain ſubſiſtence; and the antient agreement by which a free perſon reſigned his liberty, and was reduced under the power of another, being rendered more and more unuſual, is at length regarded as inconſiſtent with the natural rights of a citizen *.

As mankind experience the happy effects of cultivating the arts of peace, and are leſs frequently employed in acts of hoſtility, they have leſs occaſion to acquire any number of ſlaves by captivity. The influence of civilization upon the temper and diſpoſitions of a people has at the ſame time a tendency to produce a total revolution in the manner of conducting their military operations. The antient inſtitution, that every one who is able to bear arms ſhould appear in the field at his own charges,

* Thus, among the Romans during the commonwealth, no free citizen was allowed, by a contract, to become the ſlave of another. See Hein. Ant. Rom. lib. 1. tit. 5. § 6. This regulation, however, was eſtabliſhed with the exception, where a man fraudulently ſuffered himſelf to be ſold in order to ſhare in the price; in which caſe he became the ſlave of the perſon whom he had defrauded of his money. L. 3. Dig. quib. ab libert. proclam. non licet.

is conſidered as too heavy a burthen upon thoſe who are enervated with pleaſure, or engaged in lucrative profeſſions; and the cuſtom of employing mercenary troops in defence of the country is therefore gradually eſtabliſhed. As an army of this kind is maintained by the government, as the ſoldiers receive conſtant pay, which is underſtood to be a full equivalent for their ſervice, they appear to have no title to the extraordinary emoluments ariſing from the ſpoil of the enemy. Thus the captives, though reduced into ſervitude, are no longer apprehended to belong to thoſe particular perſons by whom they have been ſubdued, but to the public, at whoſe expence and hazard the war is ſupported *.

* It is accordingly held, in the later Roman law, that a ſoldier is entitled to no part of the plunder acquired in war, unleſs from the ſpecial donation of the emperor. L. 20. § 1. Dig. de capt. et poſtl. l. 36. § 1. c. de. donat.

We may take notice of a ſimilar change in the acquiſition of ſlaves by the ſentence of a judge. In rude times, the chief aim of puniſhment was to gratify the reſentment of the private party; and if a perſon accuſed of a crime was found guilty, he was, for that reaſon, frequently delivered up as a ſlave to the plaintiff. But upon greater improvement of manners, the interpoſitions of the magiſtrate came to be influenced more by conſiderations

The inhabitants of a civilized country are therefore obliged to acquire the bulk of their ſlaves by a purchaſe from their poorer and more barbarous neighbours, or by propagating and rearing from the original ſtock which they poſſeſs. And in computing the price of the labour which is performed by thoſe who live in a ſtate of ſervitude, not only the charge of their maintenance, but alſo the expence of their firſt acquiſition, together with all the hazard to which their life is expoſed, muſt neceſſarily be taken into the account.

When theſe circumſtances are duly conſidered, it will be found that the work of a ſlave, who receives nothing but a bare ſubſiſtence, is really dearer than that of a free man, to whom conſtant wages are given in proportion to his induſtry.

Unhappily, men have been ſeldom in a condition to examine this point with proper attention. The practice of ſlavery being introduced in an early age,

tions of general utility; and as the crimes of individuals were principally conſidered in the light of offences againſt the ſociety, it was agreeable to this idea that a criminal ſhould become the ſlave of the public, and ſhould either be employed in public works, or diſpoſed of in the manner moſt advantageous to the revenue of the community.

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is afterwards regarded with that blind pre-poſſeſſion which is commonly acquired in favour of antient uſages. The inconveniencies of it are over-looked, and every innovation is conſidered as a dangerous meaſure. The poſſeſſion of power is too agreeable to be eaſily relinquiſhed. Few people will venture upon a new experiment; and, amidſt the general prejudices of a country, fewer ſtill are capable of making it with fairneſs. We find, accordingly, that this inſtitution, however inconſiſtent with the right of humanity, however pernicious and contrary to the true intereſt of the maſter, has generally remained in thoſe countries where it was once eſtabliſhed, and has been handed down from one generation to another, during all the ſucceſſive improvements of ſociety in knowledge, arts, and manufactures.

The advancement of a nation, in theſe particulars, is even frequently attended with greater ſeverity in the treatment of the ſlaves. The ſimplicity of early ages admits of little diſtinction between the maſter and his ſervants, in their employments or manner of living; and though he may ſometimes ſubject them to hardſhips, from the impetuoſity and violence of his temper, he enjoys no great

ſuperiority

ſuperiority over them in their dreſs, their lodging, or ordinary entertainment. By the introduction of wealth and luxury, this equality is gradually deſtroyed. The various refinements which tend to multiply the comforts and conveniencies of life, whatever contributes to eaſe, to pleaſure, to oſtentation, or to amuſement, is in a great meaſure appropriated to the rich and the free, while thoſe who remain in a ſtate of ſervitude are retained in their primitive indigence. The ſlaves are no longer accuſtomed to ſit at the ſame table with their maſter. They muſt look upon him as a being of a ſuperior order, whom they are ſeldom permitted to approach, and with whom they have hardly any thing in common; who beholds with indifference the toil and drudgery to which they are ſubjected, and from whom they can with difficulty procure a narrow and ſcanty ſubſiſtence.

What a painful and humbling compariſon, what mortifying reflections does this afford to thoſe wretches who are reduced into a ſtate of bondage! reflections which cannot fail to ſour their temper, to inſpire them with malevolent diſpoſitions, and to produce an untoward and ſtubborn behaviour. A more ſevere diſcipline is thus rendered neceſſary, in

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order to conquer their obſtinacy and oblige them to labour in their employments. Beſides, from the number of ſlaves which are uſually maintained in a wealthy and luxurious nation, they become formidable to the ſtate; and it is requiſite that they ſhould be ſtrictly watched, and kept in the utmoſt ſubjection, in order to prevent thoſe deſperate attempts to which they are frequently inſtigated in revenge of their ſufferings. This is at leaſt the pretence for that ſhocking barbarity to which the negroes in our colonies are ſo commonly expoſed, and which is ſo often exhibited even by perſons of the weaker ſex, in an age diſtinguiſhed by its humanity and politeneſs.

The prodigious wealth acquired by the Romans toward the end of the commonwealth, and after the eſtabliſhment of deſpotiſm, gave riſe to a degree of cruelty and oppreſſion, in the management of their ſlaves, which had been unknown in former times *.

* ——" Hic frangit ferulas, rubet ille flagellis,
" Hic ſcutica: ſunt quae tortoribus annua praeſtant.
" Verberat, atque obiter faciem linit, audit amicas,
" Aut latum pictae veſtis conſiderat aurum,
" Et caedit, donec laſſis caedentibus, exi

" Intonet

It was to be expected, however, that particular enormities of this kind would at length excite the attention of the public, and would be in ſome meaſure reſtrained by the gradual progreſs of government. Although the inſtitution of ſlavery was permitted to remain, it was thought that the maſter ought to be prevented from committing ſuch wanton abuſes of his power as were altogether prejudicial to his intereſt, and could only be regarded as an abſurd abuſe of his property.

By the Jewiſh law, regulations for this purpoſe were introduced at an early period.

" If a man ſmite his ſervant, or his maid, with " a rod, and he die under his hand, he ſhall ſurely " be puniſhed.

" Intonet horrendum, jam cognitione peracta:
" Praefectura domus ſicula non mitior aula."
Juven. Sat. 6.

Vedius Pollis, a Roman citizen, is ſaid to have fed the fiſhes in his fiſh-pond with the fleſh of his own ſlaves. Donat. ad Terentii Phorm. act. 2. ſcen. 1.

With regard to the treatment of the Roman ſlaves, ſee Mr. Hume's learned eſſay on the populouſneſs of antient nations.

" Not-

" Notwithſtanding, if he continue a day or " two, he ſhall not be puniſhed: for he is his " money.

" And if a man ſmite the eye of his ſervant, or " the eye of his maid, that it periſh; he ſhall let " him go free for his eye's ſake.

" And if he ſmite out his man-ſervant's tooth, " or his maid-ſervant's tooth; he ſhall let him go " free for his tooth's ſake *."

At Athens, the ſlaves who had been barbarouſly treated by their maſter were allowed to fly for ſanctuary to the temple of Theſeus, and to commence a ſuit at law againſt their maſter, who, if their complaint appeared well founded, was laid under the neceſſity of ſelling them †.

Various equitable laws, upon this ſubject, were made by the Roman emperors. At Rome, the ab-

* Exodus, chap. xxi. ver. 20, 21, 26, 27. It has been a queſtion whether the laſt quoted laws, in ver. 26, and 27, related to the ſlaves acquired from foreign nations, or only to ſuch of the Iſraelites as had been reduced into a ſtate of ſervitude. Grotius is of the latter opinion. Vide Grot. com. ad. cit. cap.

† See Potter's antiquities of Greece, book 1. chap. 10.

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ſolute power of the maſter was firſt ſubjected to limitation in the reign of Auguſtus, who appointed that the "Præfectus Urbis" ſhould afford redreſs to ſuch of the ſlaves as had been treated with immoderate ſeverity. In the reign of the emperor Claudius, it was enacted, that if a maſter abandoned the care of his ſlaves during their ſickneſs, he ſhould forfeit the property of them; and that if he put them to death, he ſhould be held as guilty of homicide. Soon after, the practice of delivering the ſlaves to fight with wild beaſts, for the amuſement of the people, was in ſome meaſure reſtrained. Other ſtatutes were afterwards made, in the reigns of Adrian, of Antoninus Pius, and of Conſtantine, by which it was finally eſtabliſhed, that the maſter who killed his own ſlave, by deſign, and not from the accidental exceſs of chaſtiſement, ſhould ſuffer the ordinary puniſhment of murder*.

By what happy concurrence of events has the practice of ſlavery been ſo generally aboliſhed in Europe? By what powerful motives were our forefathers induced to deviate from the maxims of

* Vide Hein. antiq. Rom. lib. 1. tit. 8.

other nations, and to abandon a cuſtom ſo generally retained in other parts of the world?

The northern barbarians, who laid the foundation of the preſent European ſtates, are ſaid to have poſſeſſed a number of ſlaves, which were obtained either by captivity or by voluntary ſubmiſſion, and over which the maſter enjoyed an unlimited authority *.

* The following account is given by Tacitus, concerning the ſtate of the ſlaves among the antient Germans, "Aleam," ſays he, ſpeaking of that people, "ſolvii inter ſeria exercent, tanta "lucrandi perdenique temeritate ut cum omnia defecerunt, ex- "tremo ac noviſſimo jactu, de libertate, et de corpore con- "tendant. Victus voluntarium ſervitutem adit. Quamvis "junior, quamvis robuſtior, alligare ſe ac venire patitur; "ea eſt in re prava pervicacia: ipſi fidem vocant, ſervos "conditionis hujus per commercia tradunt, ut ſe quoque pudore "victoriæ exſolva.

"Ceteris ſervis, non in noſtrum morem deſcriptis per fami- "liam miniſteriis, utuntur. Suam quiſque ſedem, ſuos pena- "tes regit. Fumenti modum dominus, ut colono injungit: et "ſervus hactenus paret. Cetera domus officia, uxor ac liberi "exſequuntur. Verberare ſervum, ac vinculis et opere coercere "rarum. Occidere ſolent, non diſciplina et ſeveritate, ſed im- "petu et ira, ut inimicum, niſi quod impune." Tacit. de mor. Germ. §. 24, 25.

When

When theſe nations invaded the Roman empire, and ſettled in the different provinces, they were enabled by their repeated victories to procure an immenſe number of captives, whom they reduced into ſervitude, and by whoſe aſſiſtance they occupied landed eſtates of proportionable extent. From the manners which prevail univerſally among rude people, their domeſtic buſineſs was uſually performed by the members of each family; and their ſlaves, being under the abſolute dominion of the maſter, were occupied in the various branches of huſbandry which he had occaſion to exerciſe *. As the numerous ſervants belonging to a ſingle perſon could not be conveniently maintained in his houſe, ſo the nature of their employment required

* It appears that, by the ſettlement of the German nations in the Roman provinces, no immediate change was produced in the ſtate of their ſlaves. I. The maſter exerciſed an unlimited power of chaſtiſing them, and might even put them to death with impunity. Potgieſſerus de ſtatu ſervorum, lib. 2. cap. 1.—II. They were liable to be alienated, or impledged by the maſter at pleaſure. Ibid. cap. 3, 4, 5.——III. They were incapable of marrying, or of entering into any other contract, without his conſent. Ibid. cap. 10. § 3.——IV. They were conſidered as the property of the maſter, who might claim them from every poſſeſſor, by the ordinary action which was given for the recovery of his goods. Ibid. lib. 2. cap. 9.——

that they ſhould be ſent to a diſtance, and have a fixed reſidence upon thoſe parts of his eſtate which they were obliged to cultivate. Separate habitations, were therefore aſſigned them; and particular farms were committed to the care of different individuals, who frequently reſiding in the neighbourhood of one another, and forming ſmall villages or hamlets, received the appellation of "vil- "lani, villains," or villagers.

It is natural to ſuppoſe that, in ſuch a ſituation, the condition of this order of men would in a ſhort time be conſiderably improved. It was impoſſible that the proprietor ſhould overſee the behaviour of his ſervants, living in ſeparate families, and ſcattered over the wide extent of his demeſnes; and it was in vain to think of compelling them to labour by endeavouring to chaſtiſe them

V. They were held incapable of having any property of their own; and whatever was acquired by their labour belonged to the maſter, from whom they uſually received nothing but ſubſiſtence. Ibid. lib. 2. cap. 10. §. 7, 8.——VI. The ſlaves, conſidered in a public capacity, enjoyed none of the rights of a citizen, and were ſeldom permitted to give evidence againſt a free man in a court of juſtice. Ibid. lib. 3. cap. 1. 3.

upon

upon account of their idleneſs. A very little experience would ſhow that no efforts of that kind could be effectual; and that the only means of exciting the induſtry of the peaſants would be to offer them a reward for the work which they performed. Thus, beſides the ordinary maintenance alloted to the ſlaves, they frequently obtained a ſmall gratuity, which, by cuſtom, was gradually converted into a regular hire; and, being allowed the enjoyment and diſpoſal of this ſubject, they were at length underſtood to be capable of having ſeparate property.

After the maſter came to reſide at a diſtance from the bulk of his ſervants, and had embraced the ſalutary policy of bribing them, inſtead of uſing compulſion, in order to render them active in their employments, he was leſs apt to be provoked by their negligence; and having ſeldom occaſion to treat them with ſeverity, the antient dominion which he exerciſed over their lives was at length entirely loſt by diſuſe.

When a ſlave had been for a long time engaged in a particular farm, and had become acquainted with that particular culture which it required, he

was

was ſo much the better qualified to continue in the management of it for the future; and it was contrary to the intereſt of the maſter that he ſhould be removed to another place, or employed in labour of a different kind. By degrees therefore the peaſants were regarded as belonging to the ſtock upon the ground, and came to be uniformly diſpoſed of as a part of the eſtate which they had been accuſtomed to cultivate *.

The effects of theſe circumſtances is even obſervable in the hiſtory of the Greeks and Romans,

* As theſe changes were gradual, it is difficult to aſcertain the preciſe period at which they were completed. In the twelfth century, it would ſeem that the maſter's power over the life of his ſlaves was in a great meaſure loſt. Potgieſſerus de ſtatu ſerv. lib. 2. cap. 1. § 24. This author obſerves alſo, that about this period the chaſtiſement of ſlaves had become more mild than formerly. Of this he mentions the following proof.

" Quæ tamen coercitio aliquando eo modo emollita fuit, ut " ſervi non niſi furtibus craſſitiem et latitudinem unius veru " adæguntibus coercerentur, ſiculi in codice membranaceo Wer- " dinenſi vetuſto me obſervaſſe reminiſcor." Ibid.

It would appear likewiſe, that about the ſame period the ſlaves, at leaſt in ſome parts of Germany, were allowed to acquire ſeparate property. Ibid. lib. 2. cap. 10. § 12.

among

among whom the peaſants were raiſed to a better condition than the reſt of their ſlaves. They were indeed bound to ſerve their maſter during life, and they might have been ſold along with the ground upon which they were employed: but their perſons were not ſubject to the abſolute juriſdiction of their maſter; they had the privilege of marrying without his conſent, they received wages in return for their labour, and were underſtood to have a full right of property in the goods which they were enabled to accumulate *.

It would ſeem, however, that the limited territory poſſeſſed by theſe antient nations prevented the farther extenſion of the privileges beſtowed upon their peaſants: ſeven acres were originally the utmoſt extent of landed property which a Roman citizen was permitted to enjoy; a portion which he was able to cultivate with his own hands, or with no other aſſiſtance but that of his own family; and there is reaſon to believe that, for ſeveral centuries, no individual acquired ſuch an eſtate as gave occaſion to his retaining many ſer-

* Vide Hein. antiq. Rom. lib. 1. tit. 3. §. 8.—l. un. cod. de colon. Thrac. l. 21. cod. de agric. et cenſit. novell. 162. cap. 3.

vants

vants for the management of it, or could render the inſpection and government of them a matter of great trouble or difficulty *.

But after the wide and populous countries under the Roman dominion were ſubdued and laid waſte by the ſmall tribes of the Germans, very extenſive landed eſtates, together with an adequate number of ſlaves, were immediately acquired by particular perſons. As the people retained their primitive ſimplicity of manners, and were in a great meaſure ſtrangers to commerce, theſe large poſſeſſions remained for ages without being diſmembered. And thus, during all the ſucceſſive improvements of agriculture, the proprietor of an eſtate, embarraſſed with the multitude of his villains, was obliged to repoſe a confidence in them, and came by degrees to diſcover more clearly the utility of exciting them to induſtry by the proſpect of their own private advantage.

The ſame motives, by which the maſter was induced to reward his ſlaves for their labour, determined him afterwards to increaſe his bounty in pro-

* See Eſſay on the populouſneſs of antient nations, by Mr. Hume.

por-

portion to the work which they performed. Having no opportunity of looking narrowly into their management, he was commonly led to eſtimate their diligence according to their ſucceſs; and therefore, when they brought him a good crop, he made an addition to their wages, at the ſame time that he allowed them to expect a ſuitable compenſation for their future labour and œconomy. This at length gave riſe to an expreſs ſtipulation, that their profits ſhould depend upon the increaſe of their reſpective farms; and that, in all caſes, they ſhould be permitted to retain a certain ſhare of the produce, in conſideration of their labour *.

An expedient ſo obvious and well calculated for promoting the induſtry of the peaſants, could hardly fail to be generally embraced in all the countries of Europe, as ſoon as the inhabitants became attentive to the improvement of their eſtates. The remains of this practice are ſtill to be found in Scotland, where, in ſome caſes, the landlord is accuſtomed to ſtock the farm, and the tenant pays him a rent in kind, conſiſting of a certain proportion of the fruits †.

* See the Hiſtorical Law-tracts.—Hiſtory of Covenants.

† The ſtock which is delivered by the maſter to his tenant goes

By this alteration, the villains entered into a ſort of copartnerſhip with their maſter; and having always a proſpect of gain, according to the vigour or talents which they exerted, they were enabled to earn a more comfortable ſubſiſtence, and were even gradually raiſed to affluence. The acquiſition of wealth paved the way to a farther extenſion of their privileges. Thoſe who had obtained ſomething conſiderable, found themſelves in a condition to ſtock their own farms, and to offer a fixed rent to the maſter, upon condition of their being allowed to retain the ſurplus for their own emolument. An agreement of this kind, ſo advantageous to both the parties, was concluded without any difficulty. As the tenant ſecured to himſelf the whole profit ariſing from his induſtry, the landlord was freed from the hazard of accidental loſſes, and obtained not only a certain, but frequently an additional revenue from his lands.

Thus, by degrees, the antient villanage came to be entirely aboliſhed. The peaſants, who culti-

goes under the name of "ſteel-bow goods" in the law of Scotland. At the end of the leaſe the tenant is bound to reſtore the ſame in quantity and quality to the maſter.

vated

vated their farms at their own charges, and at their own hazard, were of courſe emancipated from the authority of their maſter, and could no longer be regarded as in the condition of ſervants. Their perſonal ſubjection was at an end. It was of no conſequence to the landlord how they conducted themſelves; and, provided they punctually paid his rent, nothing farther could be required of them. There was no reaſon to inſiſt that they ſhould remain in the farm longer than they pleaſed; for the profits it afforded made them, commonly, not more willing to leave it than the proprietor to put them away. When agriculture became ſo beneficial a trade, when the ſtate of thoſe who followed that profeſſion was ſo much improved, no perſon had any difficulty to procure a ſufficient number of tenants to labour his eſtate. It was on the contrary, ſometimes difficult for the farmer to obtain land ſufficient for the exerciſe of his employment; and, after he had been at pains to improve the ſoil, he was in danger of being diſpoſſeſſed by the proprietor, before he was indemnified for the trouble and expence which he had ſuſtained. This made it neceſſary to ſtipulate that he ſhould be allowed to remain for a certain time in the poſſeſſion, and gave riſe to leaſes, for a term of years, and even ſome-

ſometimes for life, or for a longer period, according to the circumſtances or inclination of the parties.

The modern nations of Europe continued for a long time to be almoſt entirely unacquainted with manufactures; and, as they had no other ſlaves but thoſe which were employed in agriculture, the privileges acquired by the villains had therefore a tendency to produce a total extinction of ſervitude. By degrees, however, as the people began to improve their circumſtances, and to multiply the comforts and conveniencies of life, their attention was more and more diverted to other employments. At the ſame time that the villains were engaged in cultivating the ground, they were alſo bound to perform any other ſervices which the maſter thought proper to require, and were often called to aſſiſt him in the practice of thoſe mechanical arts which were then underſtood. Particular perſons acquiring a ſingular dexterity in theſe occupations, were diſtinguiſhed upon that account, and came to be more frequently employed than their neighbours. In proportion to the liberty which they enjoyed as peaſants, they were enabled

with

more advantage to proſecute this collateral buſineſs; and while they received a reward for the crop which they produced upon their farms, they were not reſtrained from working for hire, in that peculiar trade or profeſſion which they were qualified to exerciſe. As the progreſs of luxury and refinement multiplied theſe occupations, and rendered the profits which they afforded ſuperior in many caſes to thoſe which were derived from agriculture, individuals were gradually led to quit the latter employment, and to draw their ſubſiſtence entirely from the former. In this manner a number of tradeſmen and artificers aroſe in different villages, and were advanced to conſideration and eſteem, in proportion as their aſſiſtance became more eſſentially neceſſary in ſupplying the wants of mankind. According to the wealth which they had accumulated, they purchaſed immunities from their maſter; and, by permitting him to levy tolls and duties upon their commerce, they were enabled to ſecure his patronage and protection. Thus the ſituation of the huſbandmen appears to have given riſe to domeſtic freedom, which was communicated to the trading part of the inhabitants, while the employment of the latter became, on the other hand,

hand, the ſource of great opulence, and contributed, as hath been formerly remarked, to raiſe the people of inferior rank to political independence.

Other cauſes have been aſſigned for this remarkable change of European manners. The eſtabliſhment of Chriſtianity has been ſuppoſed by many to be the principal circumſtance which rooted out the practice of ſlavery, ſo univerſally permitted and encouraged among all the heathen nations. There is no doubt that the ſpirit of this religion, which conſiders all mankind as children of the ſame Father, and as all equally the objects of his paternal care and affection, ſhould inſpire them with compaſſion for the miſeries of each other, and ſhould teach the opulent and the proud to conſider thoſe who are depreſſed with labour and penury, as creatures of the ſame ſpecies, to treat them with mildneſs and humanity, and to ſoften the rigours to which their ſevere and unequal fortune has unavoidably ſubjected them. But it does not ſeem to have been the intention of Chriſtianity to aboliſh the diſtinctions of rank, or to alter the civil rights of mankind which were already eſtabliſhed. There is no precept of the

goſ-

goſpel by which the authority of the maſter is in any reſpect reſtrained or limited; but, on the contrary, there are ſeveral paſſages from which it may be inferred, that the ſlaves, even after they embraced the Chriſtian religion, were not abſolved from any part of the duties formerly incumbent upon them*.

Accordingly, we find that ſlavery remained all over Europe for ſeveral centuries after Chriſtianity became the eſtabliſhed religion: not to mention that this inſtitution is ſtill retained in Ruſſia, in Poland, in Hungary, and in ſeveral parts of Germany: and that it is at preſent admitted, without limitation, in the colonies which belong to any of the European nations, whether in Aſia, Africa, or America.

* Thus Oneſimus, notwithſtanding his converſion to Chriſtianity, is underſtood by the apoſtle Paul to continue ſtill the ſlave of Philemon; and it is not ſuppoſed that the maſter, who was alſo a Chriſtian, was under an obligation to relinquiſh any part of his authority, far leſs to give liberty to his ſervant. See St. Paul's epiſtle to Philemon. See alſo, to the ſame purpoſe, Rom. ch. xiii. ver. 1, &c.----Epheſ. ch. vi. ver. 5.----Coloſſ. ch. iii. ver. 22.----1 Tim. ch. vi. ver. 1, 2.----Tit. ch. ii. ver. 9, 10.----1 Pet. ch. ii. ver. 18.----1 Corinth. ch. vii. ver. 21, 22.

It hath likewiſe been imagined that the ſtate of the clergy, their great influence and ambition, together with that oppoſition between the civil and eccleſiaſtical powers, which ſubſiſted for a long time in moſt of the nations of Europe, were favourable to the lower ranks of men, and contributed to limit and deſtroy the antient practice of villanage. The learning, the ideas of policy, and, above all, the peaceable manners of eccleſiaſtics, naturally produced an averſion to the diſorders incident to the feudal governments, and diſpoſed them to ſhelter the weak and defenceleſs from the tyranny of their ſuperiors. In thoſe dark and ſuperſtitious ages, the church was moſt ſucceſsful in eſtabliſhing her authority over the loweſt and moſt ignorant of the people, and was therefore led, in a particular manner, to exert her power and abilities in protecting that order of men by which ſhe was moſt firmly ſupported. As dying perſons were frequently inclined to make conſiderable donations for pious uſes, it was more immediately for the intereſt of churchmen, that people of inferior condition ſhould be rendered capable of acquiring property, and ſhould have the free diſpoſal of what they had obtained. From theſe motives it appears, that the clergy recommended the manumiſſion of ſlaves to perſons

perſons under their direction, and that the cenſures of the church came to be, in ſome caſes, inflicted upon the maſter who refuſed to allow his villains the liberty of alienating their effects by a teſtament*. But it is ſcarce conceivable that from ſuch intereſted views, the clergy would be excited to ſtrike at the root of ſervitude, and to employ their caſuiſtry in overthrowing an inſtitution upon which ſo great a part of their own property depended. While they appeared ſo extremely liberal with regard to the eſtates of the laity, it is far from being improbable that they held a different conduct with relation to the villains in their own poſſeſſion; and we meet with many eccleſiaſtical regulations, both in France and Germany, by which it is eſtabliſhed that no biſhop, or prieſt, ſhould manumit a ſlave in the patrimony of the church, without purchaſing two others of equal value to be put in his place †.

The ſtate of the civil government, in moſt of the countries of Europe, may be regarded as another circumſtance to which the people of inferior

* Potgieſſerus de ſtat. ſerv. lib. 2. cap. 10. § 12.——Ibid. cap. 11. § 2.

† See the different decrees of councils brought in proof of this by Potgieſſerus de ſtat. ſerv. lib. 4. cap. 2. § 4, 5.

condition have been indebted for their liberty. From the ariſtocratical conſtitution eſtabliſhed in theſe kingdoms, the ſovereign was engaged in long and violent ſtruggles with his barons; and being often incapable of carrying his meaſures by direct force, he was obliged to employ every artifice that his ſituation would admit, in order to humble his rivals, and reduce them under ſubjection. For this

In one of theſe, it is enacted, "Epiſcopus liberos ex familiis "eccleſiae, ad condemnationem ſuam facere non praeſumat. Im- "pium enim eſt, ut qui res ſuas eccleſiae Chriſti non contulit, "damnum inferat, et ejus eccleſiae rem alienare contendat. "Tales igitur libertos ſucceſſor epiſcopus revocabit, quia eos non "aequitas, ſed improbitas abſolvit."

In another it is ſaid "Mancipia monachis donata ab abbate "non liceat manumitti. Injuſtum eſt enim, ut monachis quo- "tidianum rurale opus facientibus, ſervi eorum libertatis otio "potiantur."

It is likely, however, that the clergy treated their ſlaves with greater lenity than was uſual among the reſt of the people. Mention is made of a biſhop of Arles, who never allowed above thirty-nine ſtripes to be given, at one time, to any of his ſervants.— "Solebat ſanctus vir id accurate obſervare, ut nemo ex iſtis qui "ipſi parebant, ſive illi ſervi eſſent, ſive ingenui, ſi pro culpa "flagellandi eſſent, amplius triginta novem ictibus ferirentur. "Si quis vero in gravi culpa deprehenſus eſſet, permittebat "quidem ut poſt paucos dies iterum vapularet, ſed paucis." Ciprianus in vita S. Caeſarii Cit. Potgieſſ. lib. 2. cap. 1. § 6.

purpoſe

purpoſe he frequently exerted his authority in protecting the villains from the tyranny of the maſter; and thus endeavoured to undermine the power of the nobles, by withdrawing the ſubmiſſion of their immediate dependents.

At the ſame time it muſt be owned, that while the monarch endeavoured to extend the privileges of the ſlaves poſſeſſed by the barons, he generally ſet an example in this reſpect to his ſubjects, and, by the enfranchiſement of the villains upon the royal demeſnes, he led the way to a ſimilar practice upon the lands belonging to the nobility. It may thence be inferred that the interpoſitions of the civil power in favour of liberty were directed by general conſiderations of utility, more than by the private view of depreſſing any particular part of the inhabitants. It was natural to expect that a wiſe prince, who had experienced the good effects of giving liberty to his peaſants, would be deſirous of making ſuch regulations as might encourage the other proprietors of land to act in the ſame manner, and might diffuſe thoſe beneficial meaſures over the whole of his dominions *.

* See the hiſtorical account of the antient parliaments of France, by the Count de Boulainvilliers. Let. 4, 5.

It may further be remarked, that in ſome countries, where we meet with no ſtatutes reſtraining the practice of ſlavery, it has notwithſtanding gone into diſuſe, from the natural improvement of the inhabitants, and is as completely extinguiſhed as in other countries, where the alteration was effected by a ſpecial interpoſition of the public *.

The remains of ſervitude which are ſtill to be found, in the caſe of coaliers and ſalters in Scotland, and of thoſe who work in the mines in ſome other parts of Europe, are ſufficient to point out the chief circumſtance, from which, in all other caſes, the antient inſtitution has been ſo generally aboliſhed. In a coal-work, as the different workmen are col-

* This is particularly the caſe in England. As there is no Engliſh ſtatute beſtowing liberty upon the villains, it ſeems very difficult to determine the period when this alteration was produced. So late as the reign of Queen Elizabeth, bondmen were ſtill to be found in many different parts of the kingdom. See Obſervations on the ſtatutes, chiefly the more antient. 1 Rich. II. A. D. 1377.

In Scotland it appears, in like manner, that the practice of villanage has generally gone into diſuſe without any interpoſition of the legiſlature; for the acts of parliament aboliſhing what is called "manrent" relate to a different ſubject. Parl. 1457. c. 77. parl. 1555. c. 43.

lected

lected in one place, inſtead of being ſcattered, like the ordinary peaſants, over an extenſive territory, they were capable of being put under the care of an overſeer, who might compel them to labour; and the maſter did not ſo immediately feel the neceſſity of reſigning that authority over them with which he was inveſted *.

After domeſtic liberty had been thus, in a great meaſure, eſtabliſhed in thoſe European nations which had made the greateſt improvement in agriculture, America was diſcovered; the firſt ſettlers of which, from their diſtance, and from the little attention that was paid to them by the government of their mother countries, were under no neceſſity of conforming to the laws and cuſtoms of Europe. The acquiſition of gold and ſilver was the great object by which the Spaniards were directed in the ſettlements which they made upon that continent; and the native inhabitants, whom they had conquered, were reduced into ſlavery and put to work in the mines. But, being either exhauſted by the ſeverity with which they were treated, or not being thought ſufficiently robuſt for that kind of labour,

* The right of the maſter, with regard to the labour of coaliers and ſalters, is ſecured by ſtatute, parl. 1606. c. 11.

negroe-

negroe-ſlaves were afterwards purchaſed for this purpoſe from the Portugueze ſettlements on the coaſt of Africa. When ſugar-plantations were erected, the ſame people were employed in theſe, and in moſt other kinds of work which came to be performed in that part of the world. Thus the practice of ſlavery was no ſooner extinguiſhed by the inhabitants in one quarter of the globe, than it was revived by the very ſame people in another, where it has remained ever ſince, without being much regarded by the public, or exciting any effectual regulations in order to ſuppreſs it *.

It merits particular attention, that the chief circumſtance which contributed to procure freedom to the ſlaves in Europe, had no place in our American plantations. From the manner of working the mines, a number of ſlaves are uſually collected together, and may therefore be placed under the command of a ſingle perſon, who has it in his power to ſuperintend their behaviour, and to puniſh their negligence. The ſame obſervation is applicable to the planting of ſugar, and to the other

* See Anderſon's hiſtory of commerce, vol. 1. p. 336.—The firſt importation of negroe-ſlaves into Hiſpaniola was in the year 1508. Ibid.

occupations

occupations in our colonies, in which the negroes perform the ſame ſort of work which in Europe is commonly performed by cattle, and in which, of conſequence, many ſervants are kept upon the ſame plantation. As the ſlaves are continually under the laſh of their maſter, he has not been forced to uſe the diſagreeable expedient of rewarding their labour and of improving their condition by thoſe means which were found ſo neceſſary, and which were employed with ſo much emolument, to encourage the induſtry of the peaſants in Europe.

In the hiſtory of mankind, there is no revolution of greater importance to the happineſs of ſociety than this which we have now had occaſion to contemplate. The laws and cuſtoms of the modern European nations have carried the advantages of liberty to a height which was never known in any other age or country. In the antient ſtates, ſo much celebrated upon account of their free government, the bulk of their mechanics and labouring people were denied the common privileges of men, and treated upon the footing of inferior animals. In proportion to the opulence and refinement of thoſe nations, the number of their ſlaves was encreaſed, and the grievances to which they were

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ſubjected became the more intolerable. At Athens the ſlaves are ſaid to have exceeded the free citizens, nearly as twenty to one *. In the moſt flouriſhing periods of Rome, when luxury was carried to ſo amazing a pitch, the proportion of the inhabitants reduced into ſervitude was in all probability ſtill greater †. It may therefore be affirmed that in the moſt deſpotic European government, in which domeſtic ſlavery is aboliſhed, more freedom is really enjoyed by the people, than in any of the admired republics eſtabliſhed by the moſt refined and public-ſpirited nations of antiquity.

* According to an enumeration which is ſaid to have been made by Demetrius Phalereus, there were in Athens 21,000 citizens, 10,000 ſtrangers, and 400,000 ſlaves. Athenæus, lib. 6. cap. 20.—Under the adminiſtration of Pericles, the citizens of Athens were not ſo numerous. Plutarch's life of Pericles.—At the ſame time, this diſproportion between the free citizens and ſlaves has appeared incredible to ſome authors, who therefore imagine that the number of ſlaves was only 40,000. But that reduction is not ſupported by any authority whatever.

† The number of ſlaves poſſeſſed by particular Roman citizens was prodigious. T. Minucius, a Roman knight, is ſaid to have had 400. Seneca de tranquillit. cap. 8.—Pliny mentions one Cæcilius, who bequeathed in his teſtament upwards of 4000 ſlaves. Lib. 33. cap. 10.—And Athenæus takes notice, that the ſlaves belonging to particular Roman citizens amounted to 30,000. Lib. 6. cap. 20.

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In whatever light we regard the inſtitution of ſlavery, it appears equally inconvenient and pernicious. No concluſion ſeems more certain than this, that men will commonly exert more activity when they work for their own benefit, than when they are compelled to labour for the benefit merely of another. The introduction of perſonal liberty has therefore an infallible tendency to render the inhabitants of a country more induſtrious: and therefore, by producing greater plenty of proviſions, muſt neceſſarily encreaſe the populouſneſs, as well as the ſtrength and ſecurity of a nation.

Some perſons have imagined that ſlavery is conducive to population, on account of the frugality with which the ſlaves are uſually maintained, and on account of the attention which is given by the maſter to their multiplication.

With regard to the former circumſtance, it ought to be conſidered that the work of a labourer depends very much upon the ſubſiſtence which he receives. As by living in too great affluence he may occaſion an uſeleſs conſumption of proviſions, ſo by obtaining too little he is rendered leſs fit for the

the exerciſe of thoſe employments by which mankind are ſupported. To promote the populouſneſs of a country, the mechanics and labouring people ſhould be maintained in ſuch a manner as will yield the higheſt profit from the work which they are capable of performing; and it is probable that they will more commonly be ſubſiſted according to this due medium, when they provide their own maintenance, than when it depends upon the arbitrary will of a maſter, who, from narrow and partial views, imagines that he has an intereſt to diminiſh the expence of their living as much as poſſible. To thoſe who have occaſion to know the extreme parſimony with which the negro ſlaves in our colonies are uſually maintained, any illuſtration of this remark will appear ſuperfluous.

With reſpect to the care of the maſter to encourage the multiplication of his ſlaves, it muſt be obvious that this is of little moment, unleſs it be accompanied with an encreaſe of the means of their ſubſiſtence. If ſlavery be always unfavourable to induſtry, and tend to hinder the improvement of a country, the number of inhabitants will be proportionably limited, in ſpite of all the encouragement that can be given to the propagation of the ſpecies. It is impoſſible even to multiply cattle be-

beyond a certain extent, without having previouſly enriched the paſtures upon which they are fed.

But ſlavery is not more hurtful to the induſtry than to the good morals of a people. To caſt a man out from the privileges of ſociety, and to mark his condition with infamy, is to deprive him of the moſt powerful incitements to virtue; and, very often, to render him worthy of that contempt with which he is treated. What effects, on the other hand, may we expect that this debaſement of the ſervants will produce on the temper and diſpoſition of the maſter? In how many different ways is it poſſible to abuſe that abſolute power with which he is inveſted? And what vicious habits may be contracted by a train of ſuch abuſes, unreſtrained by the laws, and palliated by the influence of example. It would ſeem that nothing could exceed the diſhoneſty and profligacy of the Roman ſlaves, unleſs we except the inhumanity and the extravagant vices which prevailed among the reſt of the inhabitants *.

* Various laws were accordingly made to reſtrain the manumiſſion of ſlaves, and to prevent the dignity of a Roman citizen from being communicated to ſuch infamous perſons. The following account is given of the foundation for theſe laws by Dio-

Conſidering the many advantages which a country derives from the freedom of the labouring people, it is matter of regret that any ſpecies of ſlavery ſhould ſtill remain in the dominions of Great Britain, in which liberty is generally ſo well underſtood, and ſo highly valued.

The ſituation of the coaliers and ſalters in Scotland may ſeem of little conſequence, as the number of perſons engaged in that employment is not very great, and their ſervitude is not very grievous. The detriment, however, which ariſes from thence to the proprietors of thoſe works is manifeſt. No man would chuſe to be a ſlave if he could earn nearly the ſame wages by living in a ſtate of freedom. Each coalier therefore muſt have an ad-

Dioniſius of Halicarnaſſus: "Such is the confuſion of our times, "ſo much has the Roman probity degenerated into ſhameful "meanneſs, that ſome having gathered money by robberies, "proſtitutions, and all kinds of wickedneſs, are enabled to pro- "cure their freedom and to become Roman citizens. Others "aſſociating with their maſters, in poiſonings, murders, and in "crimes committed both againſt the gods and the common- "wealth, are rewarded in the ſame manner. Some are manu- "mitted upon this account, that the public corn, or the bounty "of the emperor, may be withheld from thoſe indigent citizens "for whom it is intended." Dion. Hal. Antiq. Rom.

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ditional premium for his labour, upon account of the bondage into which he is reduced: otherwiſe he will endeavour to procure a livelihood by ſome other kind of employment *.

Many of the coal-maſters begin to be ſenſible of this, and wiſh that their workmen were upon a different footing; although, with a timidity natural to thoſe who have a great pecuniary intereſt at ſtake, they are averſe from altering the former practice, until ſuch alteration ſhall be rendered univerſal by an act of parliament. But whatever advantages might accrue to them from a general law aboliſhing the ſlavery of the coaliers, it ſeems evi-

* The following facts, with regard to the comparative price of the labour of coaliers in Scotland and England, and of that of coaliers in compariſon with other labourers, in both countries, have been communicated to the author by a gentleman of great knowledge and obſervation.

In Scotland, a coalier labouring eight hours in twenty-four, earns, excluſive of all expence, twelve ſhillings per week, or two ſhillings per day. More particularly,

In the County of Mid-Lothian, at an average, about thirteen ſhillings.

In the county of Fife, about twelve ſhillings.

In the counties of Linlithgow and Stirling, thirteen ſhillings.

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dent that theſe advantages would be reaped in a much higher degree by any ſingle proprietor who ſhould have the reſolution to give liberty to his workmen, and renounce the privileges which the law beſtows upon him, with reſpect to thoſe who might afterwards engage in his ſervice. If the ſlavery of the coaliers tends to heighten their wages, ſurely any one maſter who ſhould be freed from this inconvenience before the reſt, would be in the ſame circumſtances with a manufacturer who produces a commodity at leſs expence than his neighbours, and who is thereby enabled to underſell them in the market.

In the county of Ayr, thirteen ſhillings and upwards.

It is to be obſerved, however, that this is not what every coalier actually earns, but what every coalier who works his regular taſk gets; and this excluſive of bearers.

The labourers in the lead-mines at Lead-hills, Wanloch-head, &c. in Scotland, working eight hours in twenty-four, earn eight ſhillings per week.

At Newcaſtle the coaliers earn nine ſhillings per week.

Common labour at Newcaſtle is at ſix ſhillings per week.—In the county of Mid-Lothian in Scotland five ſhillings per week.—In the county of Fife four ſhillings.—In the counties of Linlithgow and Stirling five ſhillings.—In the county of Ayr from five ſhillings and ſixpence to ſix ſhillings.—At Lead-hills, Wanloch-head, &c. ſix ſhillings.

The ſlavery eſtabliſhed in our colonies is an object of greater importance, and is attended with difficulties which cannot be ſo eaſily removed. It has been thought, that the management of our plantations requires a labour in which free men would not be willing to engage, and which the white people are, from their conſtitution, incapable of performing. How far this opinion is well founded, according to the preſent manner of labouring in that part of the world, ſeems difficult to determine, as it has never been properly examined by thoſe who are in a condition to aſcertain the facts in queſtion. But there is ground to believe that the inſtitution of ſlavery is the chief circumſtance that has prevented thoſe contrivances to ſhorten and facilitate the more laborious employments of the people, which take place in other countries where freedom has been introduced. With regard to the planting of ſugar, experiments have been made, in ſome of the iſlands, from which it appears that, in this ſpecies of cultivation, cattle might be employed with advantage, and that the number of ſlaves might be greatly diminiſhed. But theſe experiments have been little regarded in oppoſition to the former uſage, and in oppoſition to a lucrative branch of trade which this innovation would

would in a great meaſure deſtroy. At any rate, the intereſt of our colonies ſeems to demand that the negroes ſhould be better treated, and even that they ſhould be raiſed to a better condition. The author of a late elegant account of our American ſettlements has propoſed, that ſmall wages ſhould be given them as an encouragement to induſtry. If this meaſure were once begun, it is probable that the maſter would ſoon find the utility of puſhing it to a greater extent. Nothing can appear more aſtoniſhing than the little attention that has hitherto been paid to any improvements of this nature, after the good effects of them have been ſo fully illuſtrated in the caſe of the villains in Europe. At the ſame time it affords a curious ſpectacle to obſerve, that the ſame people who talk in ſo high a ſtrain of political liberty, and who conſider the privilege of impoſing their own taxes as one of the unalienable rights of mankind, ſhould make no ſcruple of reducing a great proportion of the inhabitants into circumſtances by which they are not only deprived of property, but almoſt of every right whatſoever. Fortune perhaps never produced a ſituation more calculated to ridicule a grave, and even a liberal hypotheſis, or to ſhow how little the conduct of men is at bottom directed by any philoſophical principles.

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